

Moore, Dan

From: Moore, Dan
Sent: February 24, 2016 6:31 PM
To: Taylor, Matthew; Levman, Nathalie
Cc: Moore, Dan; Othmer, Nancy; Sargent, Laurie; Scromeda, Shawn; Ihsanullah, Uzma
Subject: [REDACTED]

Hello Nathalie and Matt,

[REDACTED]

Thank you,

an Moore

Counsel | Avocat
Human Rights Law Section | Section des droits de la personne
Department of Justice Canada | Ministère de la Justice Canada
284 Wellington Street, Room 3038 | 284 rue Wellington, pièce 3038
Ottawa, ON K1A 0H8
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21(1)(a), 21(1)(b), 23

of the Access to Information Act
de la Loi sur l'accès à l'information

Moore, Dan

From: Othmer, Nancy
Sent: February 24, 2016 6:21 PM
To: Moore, Dan; Sargent, Laurie
Cc: Moore, Dan
Subject: Re: [REDACTED]

Thank you Dan. [REDACTED]

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Othmer, Nancy s.21(1)(a)
Sent: Wednesday, February 24, 2016 6:20 PM
To: Moore, Dan; Sargent, Laurie
Cc: Moore, Dan s.21(1)(b)
Subject: Re: [REDACTED]

s.23

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Moore, Dan
Sent: Wednesday, February 24, 2016 6:16 PM
To: Sargent, Laurie; Othmer, Nancy
Cc: Moore, Dan
Subject: RE: [REDACTED]

Hello Nancy and Laurie,

[REDACTED]

Dan

From: Ihsanullah, Uzma
Sent: February 24, 2016 6:14 PM
To: Sargent, Laurie
Cc: Othmer, Nancy; Moore, Dan
Subject: RE: [REDACTED]

[REDACTED] Thanks very much.

Uzma

From: Sargent, Laurie
Sent: 2016-Feb-24 4:02 PM

To: Ihsanullah, Uzma
Cc: Othmer, Nancy; Moore, Dan
Subject: FW: [REDACTED]
Importance: High

Hi Uzma,

[REDACTED]

Please let us know.

Thanks,
Laurie

s.21(1)(a)

From: Moore, Dan
Sent: February 24, 2016 3:19 PM
To: Othmer, Nancy; Sargent, Laurie
Cc: Moore, Dan
Subject: [REDACTED]

s.21(1)(b)

s.23

Hello Nancy and Laurie,

[REDACTED]

Dan

[REDACTED]

Moore, Dan

From: Othmer, Nancy
Sent: February 23, 2016 8:46 PM
To: Moore, Dan; Sargent, Laurie
Cc: Moore, Dan; Ihsanullah, Uzma
Subject: Re: [REDACTED]

[REDACTED]

s.21(1)(a)

s.21(1)(b)

s.23

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Moore, Dan
Sent: Tuesday, February 23, 2016 6:25 PM
To: Sargent, Laurie; Othmer, Nancy
Cc: Moore, Dan
Subject: [REDACTED]

Hello,

[REDACTED]

Dan Moore

Counsel | Avocat
Human Rights Law Section | Section des droits de la personne
Department of Justice Canada | Ministère de la Justice Canada
284 Wellington Street, Room 3038 | 284 rue Wellington, pièce 3038
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Pages 12 to / à 15
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69(1)(g) re (e)

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69(1)(g) re (a), 69(1)(g) re (e)

**of the Access to Information Act
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69(1)(g) re (e)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Moore, Dan

From: Levman, Nathalie
Sent: February 23, 2016 4:50 PM
To: Moore, Dan; Taylor, Matthew
Subject: Re: [REDACTED]

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Moore, Dan
Sent: Tuesday, February 23, 2016 16:36
To: Taylor, Matthew; Levman, Nathalie
Subject: RE: [REDACTED]

Thanks Nathalie and Matt.

[REDACTED]

Dan

s.21(1)(a)

From: Taylor, Matthew
Sent: February 23, 2016 3:29 PM
To: Levman, Nathalie; Moore, Dan
Subject: RE: [REDACTED]

s.21(1)(b)

s.23

From: Levman, Nathalie
Sent: February 23, 2016 3:24 PM
To: Moore, Dan; Taylor, Matthew
Subject: RE: [REDACTED]

[REDACTED]

[Redacted]

s.21(1)(a)

From: Moore, Dan

Sent: 2016-Feb-23 3:14 PM

To: Taylor, Matthew; Levman, Nathalie

Subject: [Redacted]

Importance: High

s.21(1)(b)

s.23

Hello there,

[Redacted]



From: Taylor, Matthew
Sent: February 23, 2016 12:11 PM
To: Levman, Nathalie; Moore, Dan
Subject: RE: [REDACTED]

s.21(1)(a)

s.21(1)(b)



s.23

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From: Levman, Nathalie
Sent: February 23, 2016 12:08 PM
To: Moore, Dan; Taylor, Matthew
Subject: RE: [REDACTED]



s.21(1)(a)

s.21(1)(b)

s.23

[REDACTED]

From: Moore, Dan
Sent: 2016-Feb-23 12:05 PM
To: Taylor, Matthew; Levman, Nathalie
Subject: [REDACTED]

Hi there,

[REDACTED]

Dan Moore

Counsel | Avocat

Human Rights Law Section | Section des droits de la personne

Department of Justice Canada | Ministère de la Justice Canada

284 Wellington Street, Room 3038 | 284 rue Wellington, pièce 3038

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Moore, Dan

From: Taschereau, Alexia
Sent: February 23, 2016 12:33 PM
To: Moore, Dan
Cc: Sargent, Laurie; Patry, Claudine; Othmer, Nancy; Ihsanullah, Uzma; Moore, Dan
Subject: Re: [REDACTED] s.21(1)(a)

Many thanks. This is very helpful.

s.21(1)(b)

Alexia Taschereau

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Moore, Dan s.23
Sent: Tuesday, February 23, 2016 12:30 PM
To: Taschereau, Alexia
Cc: Sargent, Laurie; Patry, Claudine; Othmer, Nancy; Ihsanullah, Uzma; Moore, Dan
Subject: RE: [REDACTED]

Hello Alexia,



Dan Moore

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From: Othmer, Nancy
Sent: February 23, 2016 12:07 PM
To: Taschereau, Alexia; Ihsanullah, Uzma
Cc: Sargent, Laurie; Patry, Claudine; Moore, Dan
Subject: RE: [REDACTED]

Thanks Alexia. [REDACTED]

Nancy Othmer
(Office) 613-960-3420
(BB) 613-558-1739

s.21(1)(a)

s.21(1)(b)

From: Taschereau, Alexia
Sent: February-23-16 12:04 PM
To: Ihsanullah, Uzma
Cc: Othmer, Nancy; Sargent, Laurie; Patry, Claudine
Subject: RE: [REDACTED]

s.23

Thanks Uzma
[REDACTED]

Alexia Taschereau

From: Ihsanullah, Uzma
Sent: Tuesday, February 23, 2016 12:00 PM
To: Taschereau, Alexia
Cc: Othmer, Nancy; Sargent, Laurie; Patry, Claudine
Subject: [REDACTED]

Hi Alexia,
[REDACTED]

Uzma

Uzma Ihsanullah

A/Senior Counsel and Special Advisor to the Assistant Deputy Minister, Public Law and Legislative Services Sector
Department of Justice Canada / Government of Canada
Uzma.Ihsanullah@justice.gc.ca / Tel : 613-957-4220

Moore, Dan

From: Levman, Nathalie
Sent: February 23, 2016 10:27 AM
To: Moore, Dan; Taylor, Matthew
Cc: Othmer, Nancy; Sargent, Laurie; Scromeda, Shawn
Subject: RE: PMB C-452

Thank you very much, Dan. That would be great. N

From: Moore, Dan
Sent: 2016-Feb-23 10:21 AM
To: Levman, Nathalie; Taylor, Matthew
Cc: Othmer, Nancy; Sargent, Laurie; Scromeda, Shawn; Moore, Dan
Subject: RE: PMB C-452

Thanks Nathalie.

Can provide the requested advice on behalf of HRLS, for end of day tomorrow (Wednesday). Would that timeline be acceptable?

Dan

From: Levman, Nathalie
Sent: February 22, 2016 2:42 PM
To: Moore, Dan; Taylor, Matthew
Cc: Othmer, Nancy; Sargent, Laurie; Scromeda, Shawn; Moore, Dan
Subject: Re: PMB C-452

DMO has requested the advice so I imagine asap. How long do you need?

Thanks, N

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Moore, Dan
Sent: Monday, February 22, 2016 14:20
To: Levman, Nathalie; Taylor, Matthew
Cc: Othmer, Nancy; Sargent, Laurie; Scromeda, Shawn; Moore, Dan
Subject: PMB C-452

Hello Nathalie and Matt,

Following on my conversation with Nathalie this morning, I was just wondering if you could confirm whether urgent advice is needed from HRLS on the above matter. If so, when does CLPS need this advice by?

Thank you,

Dan Moore
Counsel | Avocat
Human Rights Law Section | Section des droits de la personne
Department of Justice Canada | Ministère de la Justice Canada

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s.21(1)(a)
s.21(1)(b)

Moore, Dan

s.23

From: Levman, Nathalie
Sent: February 11, 2016 12:52 PM
To: Moore, Dan
Subject: FW: C-452
Attachments: [REDACTED]

Sorry, forgot to forward you this one.

From: Levman, Nathalie
Sent: 2016-Feb-09 2:55 PM
To: Morency, Carole; Geh, Sarah; Nesbitt, Scott; Piragoff, Donald
Cc: Hébert, Nathalie; Melanson, Janice
Subject: RE: C-452

Apologies; [REDACTED]

From: Morency, Carole
Sent: 2016-Feb-09 2:52 PM
To: Geh, Sarah; Nesbitt, Scott; Piragoff, Donald
Cc: Hébert, Nathalie; Melanson, Janice; Levman, Nathalie
Subject: RE: C-452

[REDACTED]

From: Geh, Sarah
Sent: Tuesday, February 09, 2016 2:19 PM
To: Morency, Carole; Nesbitt, Scott; Piragoff, Donald
Cc: Hébert, Nathalie; Melanson, Janice; Levman, Nathalie
Subject: RE: C-452

[REDACTED]

Thanks,

s.21(1)(a)

Sarah

s.21(1)(b)

From: Morency, Carole

Sent: Tuesday, February 09, 2016 12:25 PM

To: Geh, Sarah; Nesbitt, Scott; Piragoff, Donald

Cc: Hébert, Nathalie; Melanson, Janice; Levman, Nathalie

Subject: C-452

s.23

s.69(1)(g) re (a)

s.69(1)(g) re (e)

Heads Up –

[REDACTED]

Carole E. Morency, B.A., LL.B.

Diploma Legislative Drafting / Diplôme de rédaction législative

Director General and Senior General Counsel /

Directrice générale et Avocate générale principale

Department of Justice Canada / Ministère de la justice Canada

Criminal Law Policy Section / Section de la politique en matière de droit pénal

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Government of Canada / Gouvernement du Canada

Pages 34 to / à 36
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23

of the Access to Information Act
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Moore, Dan

From: Levman, Nathalie
Sent: February 11, 2016 11:58 AM
To: Moore, Dan
Subject: [REDACTED]
Attachments: [REDACTED]

Dan, further to our conversation this morning, [REDACTED]

Thanks, N

From: Carmen Estey [<mailto:Carmen.Estey@rcmp-grc.gc.ca>]
Sent: 10 février 2016 15:26
To: Tremblay, Mylène
Cc: Catherine (PS/SP) 'Giguere; Melanie Bilodeau
Subject: RE: [REDACTED]

s.21(1)(a)

s.21(1)(b)

Bonjour Mylène,

s.23

(My apologies for not being at my desk and just receiving this now.

[REDACTED]

Best,
Carmen

From: Giguere, Catherine (PS/SP) [<mailto:catherine.giguere@canada.ca>]
Sent: 10 février 2016 14:20
To: Tremblay, Mylène
Cc: Carmen.Estey@rcmp-grc.gc.ca
Subject: RE: [REDACTED]
Hi Mylène, [REDACTED]

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23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Moore, Dan

From: Sargent, Laurie
Sent: February 11, 2016 9:04 AM
To: Scromeda, Shawn; Moore, Dan
Cc: Othmer, Nancy; MacCallum, Raymond
Subject: FW: La Presse - C 452
Attachments: Document1.docx

Fyi also – interesting discussion of DoJ advice...

From: Wright, Laurie
Sent: February 11, 2016 8:46 AM
To: Othmer, Nancy; Sargent, Laurie
Cc: Ihsanullah, Uzma
Subject: FW: La Presse - C 452

From: Pentney, William
Sent: 2016-Feb-11 8:44 AM
To: Mercer, Kirsten; Ghiz, Joanne; Prince, Jessica; Noftle, Tracie; Piragoff, Donald; Morency, Carole; Wright, Laurie
Cc: Lafleur, Eric; Geh, Sarah
Subject: La Presse - C 452

In case you did not see the article on C 452.

Bill

Ottawa) Le projet de loi C-452, qui imposerait des peines plus sévères aux individus reconnus coupables d'exploitation et de traite de personnes, pourrait être déclaré inconstitutionnel par les tribunaux à cause des réformes en matière de justice criminelle adoptées par l'ancien gouvernement conservateur.

Cela explique pourquoi le nouveau gouvernement libéral n'a pas encore adopté le décret qui permettrait de promulguer ce projet de loi, parrainé par l'ancienne députée Maria Mourani et adopté à l'unanimité par la Chambre des communes en novembre 2013.

C'est du moins ce qu'a indiqué hier le premier ministre Justin Trudeau pour expliquer pourquoi ce fameux décret n'a toujours pas été adopté.

Son gouvernement est tiraillé : il est favorable à ce projet de loi - « j'ai voté en faveur et on est tous d'accord avec le principe » -, mais les avis juridiques qu'il a reçus de la part des fonctionnaires du ministère de la Justice indiquent que certaines de ses dispositions seront jugées contraires à la Charte des droits et libertés par les tribunaux parce qu'elles entraîneraient des peines trop lourdes.

Car l'ancien gouvernement conservateur a modifié plusieurs clauses du Code criminel afin d'imposer des peines minimales obligatoires pour certains crimes commis dans des « circonstances aggravantes ». Le projet de loi C-452 imposerait aussi des peines consécutives (au lieu d'infliger seulement la peine la plus élevée).

« Il y a une partie de ce projet de loi qui a des risques d'être jugée inconstitutionnelle quand on le combine avec les peines minimales que le gouvernement conservateur a adoptées. [En imposant] des peines minimales successives de 10 ans pour tous les différents crimes, tout à coup on arrive à une peine de 400 ans pour quelqu'un. Il y a un risque que cela ne soit pas constitutionnel [...]. Alors les avocats du ministère de la Justice sont en train d'examiner cela », a précisé M. Trudeau.

Deux options sont donc à l'étude : abroger les lois sur les peines minimales adoptées par les conservateurs ou encore promulguer certaines dispositions du projet de loi C-452.

« On est d'accord avec le principe, on veut agir là-dessus. Mais j'ai dit dès le début que mon gouvernement n'allait pas faire des choses qui iraient à l'encontre de la Constitution. »

« Si on présente un projet de loi, surtout en matière de justice, on veut s'assurer que cela soit conforme à la Charte des droits et libertés », a poursuivi le premier ministre.

« On veut le faire de façon rapide, mais aussi de façon responsable. C'est un des dossiers que nous sommes en train de traiter en priorité. »

Renversement du fardeau de la preuve

Outre les peines plus sévères pour les individus reconnus coupables d'exploitation et de traite de personnes, le projet de loi C-452 propose deux autres modifications au Code criminel : le renversement du fardeau de la preuve de sorte que le témoignage des victimes ne soit plus absolument nécessaire, et la saisie des biens d'un accusé sauf s'il réussit à prouver qu'ils ne proviennent pas des fruits de la criminalité.

Plus tôt cette semaine, l'ancienne députée Maria Mourani, qui n'a pu se faire élire sous la bannière du NPD aux dernières élections, s'est dite choquée de voir que le gouvernement Trudeau n'avait toujours pas adopté le décret. La semaine dernière, *La Presse* a révélé que 33 jeunes filles ont été exploitées sexuellement après s'être enfuies du centre jeunesse de Laval. Au cours des derniers jours, de nouvelles filles ont fait des fugues alors qu'elles se trouvaient à ce centre. Les parents de ces dernières ont tous dit craindre qu'elles aient fugué pour se prostituer.


Moore, Dan

From: Levman, Nathalie
Sent: February 10, 2016 10:08 AM
To: Scromeda, Shawn
Cc: Taylor, Matthew; Sargent, Laurie; Morency, Carole; Sargent, Laurie; Othmer, Nancy; Moore, Dan; * CLP SGC/Office
Subject: RE: PMB 452

s.69(1)(g) re (a) s.21(1)(a)
s.21(1)(b)
s.69(1)(g) re (e)
s.23

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, all.



Thanks, N

From: Scromeda, Shawn
Sent: 2016-Feb-04 8:07 PM
To: Levman, Nathalie
Cc: Taylor, Matthew; Sargent, Laurie; Morency, Carole; Sargent, Laurie; Othmer, Nancy
Subject: RE: PMB 452

Nathalie,



Shawn

From: Morency, Carole
Sent: Thursday, February 04, 2016 7:56 PM
To: Levman, Nathalie <Nathalie.Levman@justice.gc.ca>; Scromeda, Shawn <Shawn.Scromeda@justice.gc.ca>
Cc: Taylor, Matthew <Matthew.Taylor@justice.gc.ca>
Subject: RE: PMB 452

DMO just told me they are hoping we have something rolled up by tomorrow am.

From: Morency, Carolë
Sent: Thursday, February 04, 2016 6:28 PM
To: Levman, Nathalie; Scromeda, Shawn
Cc: Taylor, Matthew
Subject: RE: PMB 452

tk

From: Levman, Nathalie
Sent: Thursday, February 04, 2016 6:25 PM
To: Scromeda, Shawn
Cc: Taylor, Matthew; Morency, Carole
Subject: PMB 452

s.21(1)(a)

s.21(1)(b)

s.23

Shawn,

Thanks so much, N

Sent from my BlackBerry 10 smartphone on the Rogers network.

s.21(1)(a)

s.21(1)(b)

Moore, Dan


From: Levman, Nathalie
Sent: February 5, 2016 12:54 PM
To: Moore, Dan
Subject: FW: C-452

s.23

Importance: High

fyi

From: Morency, Carole
Sent: 2016-Feb-05 12:45 PM
To: Geh, Sarah; Pentney, William; Nesbitt, Scott; Piragoff, Donald
Cc: Legault, Pierre; Taschereau, Alexia; Wright, Laurie; Othmer, Nancy; Levman, Nathalie; Hébert, Nathalie; Melanson, Janice; Glushek, Phaedra
Subject: RE: C-452
Importance: High



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21(1)(a), 21(1)(b), 23

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[REDACTED]

s.21(1)(a)

From: Geh, Sarah
Sent: Thursday, February 04, 2016 6:40 PM
To: Pentney, William; Morency, Carole; Nesbitt, Scott; Piragoff, Donald
Cc: Legault, Pierre; Taschereau, Alexia
Subject: RE: C394

s.21(1)(b)

s.23

I just spoke to MO. There is still a story that might run on Saturday, but there will not be a story tomorrow. [REDACTED]
[REDACTED]

From: Pentney, William
Sent: Thursday, February 04, 2016 6:30 PM
To: Morency, Carole; Nesbitt, Scott; Piragoff, Donald; Geh, Sarah
Cc: Legault, Pierre; Taschereau, Alexia
Subject: Re: C394

Thank you Carole. [REDACTED]
[REDACTED]

Bill

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Morency, Carole
Sent: Thursday, February 4, 2016 5:53 PM
To: Pentney, William; Nesbitt, Scott; Piragoff, Donald; Geh, Sarah
Cc: Legault, Pierre; Taschereau, Alexia
Subject: RE: C394

[REDACTED]

[REDACTED]

From: Morency, Carole
Sent: Thursday, February 04, 2016 1:07 PM
To: Pentney, William; Nesbitt, Scott; Piragoff, Donald; Geh, Sarah
Cc: Legault, Pierre; Taschereau, Alexia
Subject: RE: C394

s.21(1)(a)

s.21(1)(b)

s.23

[REDACTED]

From: Pentney, William
Sent: Thursday, February 04, 2016 1:02 PM
To: Morency, Carole; Nesbitt, Scott; Piragoff, Donald; Geh, Sarah
Cc: Legault, Pierre; Taschereau, Alexia
Subject: Re: C394

[REDACTED] Thanks

Bill

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Morency, Carole
Sent: Thursday, February 4, 2016 12:54 PM
To: Nesbitt, Scott; Pentney, William; Piragoff, Donald; Geh, Sarah
Cc: Legault, Pierre; Taschereau, Alexia
Subject: RE: C394

I believe the question relates to PMB **Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)***, S.C. 2015, c. 16, amended the *Criminal Code* order to require consecutive sentences for offences related to trafficking in persons and to create a presumption regarding the exploitation of one person by another and to add the offence of trafficking in persons to the list of offences to which the forfeiture of proceeds of crime apply. It will come into force on a day or days to be fixed by order of the Governor in Council. However, the Order in Council to proclaim these reforms into force was not signed before dissolution of Parliament for the federal election.

- Sponsor was Maria Mourani (former BQ then Independent).
We had prepared and submitted the paper work well before dissolution.....

From: Nesbitt, Scott
Sent: Thursday, February 04, 2016 12:50 PM
To: Pentney, William; Piragoff, Donald; Morency, Carole; Geh, Sarah
Cc: Legault, Pierre; Taschereau, Alexia
Subject: RE: C394

Policy Sector may be aware of another bill that fits your description below.

But Bill C-394 was a PMB introduced by Conservative MP Parm Gill and entitled *An Act to amend the Criminal Code and National Defence Act (criminal organization recruitment)*. It created a new offence of "recruitment by members of a criminal organization" in ss. 467.111 of the *Criminal Code* (subject to a 6-month MMP where

the person being recruited, solicited, encouraged, coerced or invited to join a criminal organization is under 18 years of age), and made it a reverse-onus offence for bail purposes.

The bill received Royal Assent on June 19, 2014, and its provisions came into force upon Royal Assent.

From: Pentney, William

Sent: Thursday, February 04, 2016 12:33 PM

To: Piragoff, Donald; Morency, Carole; Geh, Sarah; Nesbitt, Scott

Cc: Legault, Pierre; Taschereau, Alexia

Subject: C394

Question has been asked about coming into force of PMB - [REDACTED]

[REDACTED] Need info asap. Thanks

Bill

s.21(1)(a)

s.21(1)(b)

Sent from my BlackBerry 10 smartphone on the Bell network.

Moore, Dan

From: Moore, Dan
Sent: February 5, 2016 11:57 AM
To: Levman, Nathalie
Cc: Moore, Dan; Othmer, Nancy; Sargent, Laurie; Morency, Carole; Glushek, Phaedra; Taylor, Matthew; Scromeda, Shawn
Subject: RE: [REDACTED]

s.21(1)(a)

s.21(1)(b)

Hello Nathalie,

s.23

Please see below for HRLS' DG-approved input into your note for the MO.

[REDACTED]

[REDACTED]

Dan Moore

Counsel | Avocat

Human Rights Law Section | Section des droits de la personne

Department of Justice Canada | Ministère de la Justice Canada

284 Wellington Street, Room 3038 | 284 rue Wellington, pièce 3038

Ottawa, ON K1A 0H8

t: 613-948-3023

f: 613-952-4137

dan.moore@justice.gc.ca

PRIVILEGE & CONFIDENTIALITY NOTICE: This communication, including any attachment(s), is confidential and may be subject to solicitor-client privilege and/or litigation privilege. It should be read only by the person(s) to whom it is addressed. If you have received this communication in error, kindly delete it without reading, copying, forwarding, or otherwise conveying its contents to anyone, and notify the sender immediately. Thank you.

From: Levman, Nathalie
Sent: February 5, 2016 10:57 AM

s.21(1)(a)

To: Moore, Dan

Subject: FW: [REDACTED]

s.21(1)(b)

s.23

From: Levman, Nathalie

Sent: 2016-Feb-05 10:38 AM

To: * CLP SGC/Office

Cc: Taylor, Matthew

Subject: FW: [REDACTED]

Revised as per comments received. For your review, Phaedra. Matt, [REDACTED]

[REDACTED]. Thanks, N

Page 62

**is withheld pursuant to sections
est retenue en vertu des articles**

21(1)(a), 21(1)(b), 23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

s.21(1)(a)

s.21(1)(b)

s.23

PMB 452

5 February 2016

s.69(1)(g) re (a)

s.69(1)(g) re (e)

Moore, Dan


From: Sargent, Laurie s.21(1)(a)
Sent: February 5, 2016 9:03 AM
To: Moore, Dan s.21(1)(b)
Cc: Othmer, Nancy
Subject: FW: PMB 452
Attachments: RE: PMB 452 s.23
Importance: High

Hi Dan,



Please let us know and thanks in advance,
Laurie

From: Levman, Nathalie
Sent: February 4, 2016 11:32 PM
To: Scromeda, Shawn
Cc: Taylor, Matthew; Sargent, Laurie; Morency, Carole; Sargent, Laurie; Othmer, Nancy
Subject: Re: PMB 452




.hanks so much for addressing so quickly,

N

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Scromeda, Shawn
Sent: Thursday, February 4, 2016 21:21
To: Levman, Nathalie
Cc: Taylor, Matthew; Sargent, Laurie; Morency, Carole; Sargent, Laurie; Othmer, Nancy s.19(1)
Subject: RE: PMB 452



s.21(1)(a)
s.21(1)(b)

Shawn

From: Levman, Nathalie
Sent: Thursday, February 04, 2016 9:18 PM
To: Scromeda, Shawn <Shawn.Scromeda@justice.gc.ca>
Cc: Taylor, Matthew <Matthew.Taylor@justice.gc.ca>; Sargent, Laurie <Laurie.Sargent@justice.gc.ca>; Morency, Carole <Carole.Morency@justice.gc.ca>; Sargent, Laurie <Laurie.Sargent@justice.gc.ca>; Othmer, Nancy <Nancy.Othmer@justice.gc.ca>
Subject: Re: PMB 452

[REDACTED]

[REDACTED]

Sent from my BlackBerry 10 smartphone on the Rogers network.

From: Scromeda, Shawn
Sent: Thursday, February 4, 2016 20:07
To: Levman, Nathalie
Cc: Taylor, Matthew; Sargent, Laurie; Morency, Carole; Sargent, Laurie; Othmer, Nancy
Subject: RE: PMB 452

s.69(1)(g) re (a)

Nathalie,

[REDACTED]

Shawn

From: Morency, Carole
Sent: Thursday, February 04, 2016 7:56 PM
To: Levman, Nathalie <Nathalie.Levman@justice.gc.ca>; Scromeda, Shawn <Shawn.Scromeda@justice.gc.ca>
Cc: Taylor, Matthew <Matthew.Taylor@justice.gc.ca>
Subject: RE: PMB 452

DMO just told me they are hoping we have something rolled up by tomorrow am.

From: Morency, Carole
Sent: Thursday, February 04, 2016 6:28 PM
To: Levman, Nathalie; Scromeda, Shawn

Cc: Taylor, Matthew
Subject: RE: PMB 452

tkS

From: Levman, Nathalie
Sent: Thursday, February 04, 2016 6:25 PM
To: Scromeda, Shawn
Cc: Taylor, Matthew; Morency, Carole
Subject: PMB 452

s.21(1)(a)

s.21(1)(b)

s.23

Shawn,

Thanks so much, N

Sent from my BlackBerry 10 smartphone on the Rogers network.

Moore, Dan

From: Scromeda, Shawn
Sent: February 4, 2016 8:07 PM
To: Levman, Nathalie
Cc: Taylor, Matthew; Sargent, Laurie; Morency, Carole; Sargent, Laurie; Othmer, Nancy
Subject: RE: PMB 452
Attachments: [REDACTED]

Nathalie,

[REDACTED]

Shawn

From: Morency, Carole
Sent: Thursday, February 04, 2016 7:56 PM
To: Levman, Nathalie <Nathalie.Levman@justice.gc.ca>; Scromeda, Shawn <Shawn.Scromeda@justice.gc.ca>
Cc: Taylor, Matthew <Matthew.Taylor@justice.gc.ca>
Subject: RE: PMB 452

s.21(1)(a)

DMO just told me they are hoping we have something rolled up by tomorrow am.

s.21(1)(b)

From: Morency, Carole
Sent: Thursday, February 04, 2016 6:28 PM
To: Levman, Nathalie; Scromeda, Shawn
Cc: Taylor, Matthew
Subject: RE: PMB 452

s.23

[REDACTED]

tk

From: Levman, Nathalie
Sent: Thursday, February 04, 2016 6:25 PM
To: Scromeda, Shawn
Cc: Taylor, Matthew; Morency, Carole
Subject: PMB 452

Shawn,



Thanks so much, N

Sent from my BlackBerry 10 smartphone on the Rogers network.

s.21(1)(a)

s.21(1)(b)

s.23

**Pages 69 to / à 79
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(a), 21(1)(b), 23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Levman, Nathalie

From: Ouellette, Jacinthe
Sent: 2016-Mar-29 10:16 AM
To: Taylor, Matthew; Levman, Nathalie; Maloney, Amber; Vaillant, Maryse
Cc: * CLP SGC/Office
Subject: FW: SUBMITTED 2016-006293 Trafficking in Persons: Legislative Options
Attachments: revs CPAU ES- Legislative Options - March 23.docx; SUBMITTED 2016-006293.pdf; C-452 Options (Feb 2016).docx; revs CPAU BN - Legislative Options- March 23 16 SGC APP.docx

Fyi/pvi

Jacinthe Ouellette

Executive Assistant / Adjointe exécutive
613-957-4951

From: Picard, Mariane C.
Sent: Tuesday, March 29, 2016 10:00 AM
To: * SADM/Office
Cc: Ministerial Liaison Unit; * MLU Group; Poliquin, Stéphanie; Legault, Yanike; Assad, Michael; Leclerc, Caroline; Diotte, Michelle; Rousselle, Sonia; Lafleur, Eric; Nesbitt, Scott; * CLP SGC/Office
Subject: SUBMITTED 2016-006293 Trafficking in Persons: Legislative Options

Bonjour,

Please be advised that the above-referenced briefing note was approved by the Deputy Minister's office and submitted to the Minister's office Thursday, March 24, 2016, **for approval**.

Attached for your reference and file is the final e-versions. You will be notified once the file is returned from the Minister's office.

Please do not hesitate to contact MLU at MLU-ULM@justice.gc.ca should you have any questions or concerns.

Merci,

Mariane Picard

Analyst and Question Period Coordinator | Analyste et coordonnatrice de la période de questions
Cabinet and Parliamentary Affairs | Affaires du Cabinet et parlementaires
Department of Justice | Ministère de la Justice
East Memorial Building | Édifice commémoratif de l'est
284 Wellington Street, room/pièce 4248
mariane.picard@justice.gc.ca
Tel. | Tél. 613-946-6929
B.B. 613-716-7044
Government of Canada | Gouvernement du Canada

N'hésitez pas à me répondre dans la langue officielle de votre choix |
Please feel free to reply in the official language of your choice

s.21(1)(b)

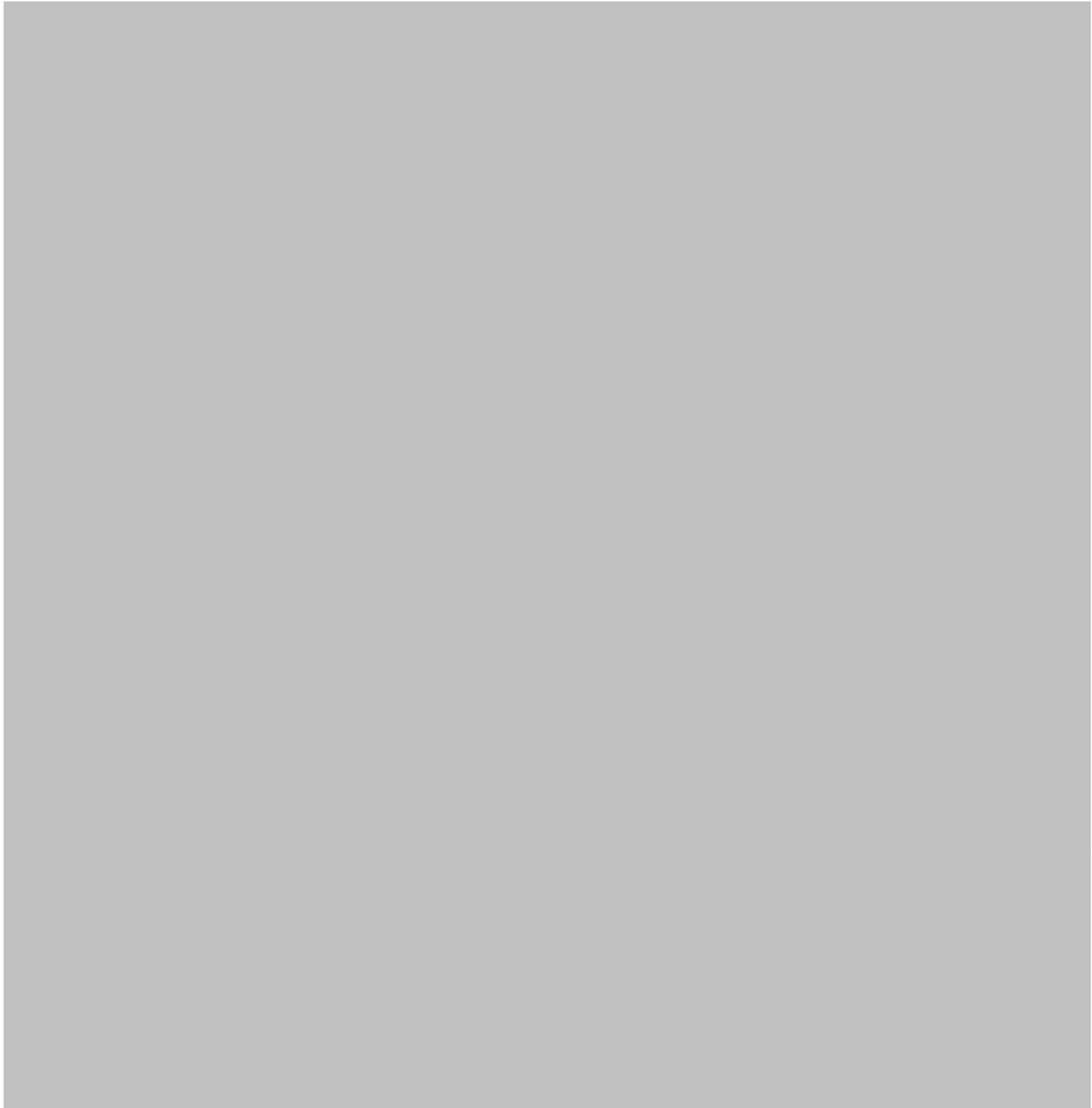
**Options Regarding Bill C-452, *An Act to amend the Criminal Code*
(exploitation and trafficking in persons)
February 12, 2016**

s.23

Issue

To identify options regarding Bill C-452, *An Act to amend the Criminal Code* (exploitation and trafficking in persons) (S.C. 2015, c.16), which received Royal Assent on June 18, 2015 but has yet to be proclaimed into force.

Background



Page 82

**is withheld pursuant to sections
est retenue en vertu des articles**

21(1)(a), 21(1)(b), 23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Levman, Nathalie

From: Martin, Karen
Sent: 2016-Mar-02 9:44 AM
To: * CLP SGC/Admin
Cc: Levman, Nathalie; Vaillant, Maryse; Glushek, Phaedra
Subject: FW: BILL C-452 - Supps C & Mains - Policy Sector
Attachments: QPBill C-452Feb'16Final.docx

Approved with formatting changes (with new format of Annex/Responsive TPs at end after Background). This will be sent as approved shortly.

Karen

From: Levman, Nathalie
Sent: March 2, 2016 9:33 AM
To: Vaillant, Maryse; * CLP SGC/Admin; Valin, Martine
Subject: RE: BILL C-452 - REQUEST FOR NOTES Supps C & Mains - Policy Sector

Apologies, I left out a word by accident in background portion ("with") – I have inserted. Please use this version.

From: Vaillant, Maryse
Sent: 2016-Mar-01 5:13 PM
To: * CLP SGC/Admin; Valin, Martine
Cc: Levman, Nathalie
Subject: RE: BILL C-452 - REQUEST FOR NOTES Supps C & Mains - Policy Sector

Here is the new and revised version of the supplementary notes on Bill C-452 from Nathalie Levman, hard copy to follow.

Thanks,

Maryse Vaillant
613-957-4739

From: Valin, Martine
Sent: February-29-16 11:19 AM
To: Morency, Carole; Blackell, Gillian; Sigouin, Jocelyn; Giff-MacKinnon, Naomi; Klineberg, Joanne; Tremblay, Mylène; Levman, Nathalie; Taylor, Matthew; Saint-Denis, Paul; Yost, Greg; Di Manno, Andrew; Bouchard, Stephanie; Reeve, Marilou; Breithaupt, Doug
Cc: * CLP SGC/Admin; MacEachern, Laurie; Thérien, Michelle; Vaillant, Maryse; Maloney, Amber; Riel, Claudine; Point-du-Jour, Marie Cléone
Subject: REQUEST FOR NOTES Supps C & Mains - Policy Sector

Good morning,

We've been asked to prepare Supplementary and Main Estimates notes on the above noted subjects. Please let me know if I have misidentified leads on the files. Some notes were pre-populated by FPB (Finance) and are also attached.

Due in the SGCO by COB, Tuesday, March 1st, 2016

Recent QP notes prepared on some of the issues can be recycled and transposed into the correct template; email to follow. Should other previous notes be of assistance to officials during preparation of the new notes, we are able to provide these upon request.

Thank you.

Funding to implement the <i>Canadian Victims Bill of Rights</i> (SEC: \$2.463 million; Mains: million)	PS Gillian/Jocelyn
Funding in support of Investigative Powers for the 21 st Century stemming from the <i>Pro Canadians from Online Crime Act</i> and the ratification of the Council of Europe's Convention on Cybercrime (SEC: \$2.014 million; Mains: \$1.96 million)	PS Karen
Funding for activities related to Division 9 the <i>Immigration and Refugee Protection Act</i> (\$3.672 million; Mains: \$6.87 million)	PSDI
Transfer to Status of Women to support a National Aboriginal Circle Against Family Violence project (\$80,000)	PS Gillian/Naomi
Main Estimates 2016-2017	
Action Plan to Address Family Violence and Violent Crime Against Aboriginal Women and Girls (\$1.98 million)	PS Gillian/Naomi

LEGISLATION

Legislative Overview (FPT Document)

Nation-to-Nation

Physician-Assisted Dying

Criminal Justice System Review

Bill C-452, *An act to amend the Criminal Code (exploitation and trafficking in persons)*

Marijuana Legalization

Missing and Murdered Indigenous Women and Girls

Gender Identity

Gender Identity
Bail Reform (no note required, to be covered in CJSR)
Mandatory Minimum Penalties (no note required, to be covered in CJSR)
Impaired Driving (no note required, to be covered in CJSR)
Repeal of Section 43 of the <i>Criminal Code</i>
Credit for pre-sentence custody
Victim Surcharge
Repealing Key Elements of the <i>Anti-terrorism Act</i> (Former Bill C-51)

INDIGENOUS ISSUES
Indian Residential Schools Settlement Agreement
Truth and Reconciliation Commission
Indigenous Over-Representation in the Criminal Justice System
St. Anne's Indian Residential School
UN Declaration on the Rights of Indigenous Peoples
Indigenous Childhood Claims Litigation

Martine

From: Picard, Mariane C.
Sent: February 26, 2016 5:44 PM
To: * SADMO/Admin; * CLP SGC/Office
Cc: Gauthier, Julie; Rousseau, Johanne
Subject: REQUEST FOR NOTES Supps C & Mains - Policy Sector

Bonjour,

Please find attached the revised Table of Contents for the materials for Supps C and Mains. We ask that you provide those notes for which your sector is identified in the **TAB** column. Occasionally, this column will indicate two or more sectors, the lead is identified first and is asked to coordinate with the other listed sector(s). Please use the template attached when preparing your notes. Some notes were pre-populated by FPB and are also attached.

This binder will be prepared in English only; note that any briefing material submitted in French must be translated and also submitted in English.

We are asking that the ADM-approved notes be provided by **12:00PM Wednesday, March 2, 2016**. Approved notes can be sent to Johanne Rousseau with a copy to Julie Gauthier.

Recent QP notes prepared on some of the issues can be recycled and transposed into the correct template; email to follow. Should other previous notes be of assistance to officials during preparation of the new notes, we are able to provide these upon request.

Please feel free to contact me or Julie Gauthier should you have any questions or concerns about this request.

Thank you,

Mariane

Mariane Picard

Analyst and Question Period Coordinator | Analyste et coordonnatrice de la période de questions

Cabinet and Parliamentary Affairs | Affaires du Cabinet et parlementaires

Department of Justice | Ministère de la Justice

East Memorial Building | Édifice commémoratif de l'est

284 Wellington Street, room/pièce 4248

mariane.picard@justice.gc.ca

Tel. | Tél. 613-946-6929

B.B. 613-716-7044

Government of Canada | Gouvernement du Canada

N'hésitez pas à me répondre dans la langue officielle de votre choix |

Please feel free to reply in the official language of your choice

Advice to the Minister

**BILL C-452, AN ACT TO AMEND THE CRIMINAL CODE
(EXPLOITATION AND TRAFFICKING IN PERSONS)**

TOPIC: Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)* received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

CONTEXT: A situation in Laval, Quebec, in which young women have gone missing and are presumed to be victims of exploitation through human trafficking, has directed attention to the fact that Bill C-452 has yet to be proclaimed into force. Bill C-452's objective is to strengthen the criminal justice system's approach to human trafficking.

PROPOSED RESPONSE:

- **We acknowledge Bill C-452's important objectives. Accordingly, we are urgently examining whether and how the reforms in Bill C-452 can be brought into force. Specifically, we have some concerns that a part of the Bill may be inconsistent with the *Canadian Charter of Rights and Freedoms*.**
- **Bill C-452's mandatory consecutive sentencing provision, operating together with the mandatory minimum penalties that apply to the human trafficking offences, could result in sentences that would be disproportionate to an offender's misconduct and the justice system's approach to other offences. This disproportionality is generally considered to contravene the section 12 of the *Charter* guarantee against cruel and unusual punishment. In other words, there is a very real risk that the bill could be unconstitutional.**
- **In the meantime, I note that the existing criminal law already provides significant penalties for human trafficking-related conduct, including lengthy mandatory minimum penalties.**
- **I can assure you that we will be acting quickly on this very important file to address a real and important issue in our society, but we must do so responsibly – in a way that reflects our values and respects the *Charter*.**

BACKGROUND:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, introduced by Maria Mourani (Ahuntsic – BQ), amends the *Criminal Code* to strengthen the criminal justice system's response to the crime of human trafficking. The Bill received Royal Assent on June 18, 2015, but has yet to be proclaimed into force. A number of technical steps would have to be undertaken before the Bill can be proclaimed into force.

Bill C-452 amends the *Criminal Code* to:

- Require consecutive sentencing for offenders convicted of human trafficking offences and any other offence arising out of the same event(s);
- Add a presumption that an accused is exploiting a trafficking victim if they are shown to be living with or habitually in the company of that person;
- Make a technical amendment to the French version of section 279.04 (definition of exploitation) to address a discrepancy between the English and French versions; and,
- Modify the provision that imposes a reverse onus for forfeiture of proceeds of crime for certain criminal organization and drug offences to apply to human trafficking offences.

The human trafficking offences, section 279.01 (main human trafficking offence), section 279.02 (receiving a material benefit from human trafficking) and section 279.03 (withholding or destroying documents to facilitate human trafficking), were first enacted in 2005 and carry significant penalties of up to life imprisonment, including mandatory minimum penalties (MMPs). These provisions have been amended three times since their enactment in 2005. In particular, in 2010, a new child trafficking offence (section 279.011) with MMPs of 5 and 6 years was enacted. In 2014, MMPs of 4 and 5 years were imposed on the main trafficking offence (section 279.01), along with MMPs of 2 years and 1 year for receiving a material benefit from child trafficking (subsection 279.02(2)) and withholding or destroying documents to facilitate child trafficking (subsection 279.03(2)). These MMPs were enacted by the *Protection of Communities and Exploited Persons Act* (former Bill C-36), which came into force on December 6, 2014.

Bill C-452's mandatory consecutive sentencing provision, together with the MMPs that now apply to many of the human trafficking offences, would require sentencing judges to stack MMPs in cases involving convictions for multiple counts of human trafficking and other offences that carry MMPs (e.g., child sexual offences and child prostitution offences). This could result in the imposition of disproportionate sentences, which risk violating the *Charter* guarantee against cruel and unusual punishment (section 12).

Human trafficking involves the recruitment, transportation and harbouring of persons for the purpose of exploitation, typically sexual exploitation or forced labour. Most human trafficking cases in Canada involve Canadian females exploited in the sex trade.

The Federal National Action Plan on Trafficking in Persons, launched on June 6, 2012 and led by Public Safety and Emergency Preparedness Canada, consolidates federal government efforts to combat human trafficking and focuses on four core areas: the prevention of human trafficking; the protection of victims; the prosecution of offenders; and, working in partnership with others both domestically and internationally.

Prepared by: Nathalie, Levman
Date: March 1st, 2016

Approved by: Donald K. Piragoff
Date:

Annex A

If asked about the Laval, Quebec situation:

- **Our government is aware and closely monitoring the situation in Quebec where young women have gone missing.**
- **Our thoughts and prayers are with the young women and their families. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of exploitation, and the whole country shares the relief of parents whose daughters have been safely recovered in recent weeks.**
- **Our government takes human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected.**
- **We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.**



Department of Justice
Canada

Ministère de la Justice
Canada

Public Law and Legislative Services Sector
284 Wellington Street
Ottawa, ON
K1A 0H8

MEMORANDUM / NOTE DE SERVICE

s.21(1)(a)

s.21(1)(b)

Security classification -- Côte de sécurité

Protected B / Solicitor-client privilege

File number -- Numéro de dossier

HRLS: 31000-2-782

Date

24 February 2016

Telephone / FAX -- Téléphone / Télécopieur

613-948-3023 / 613-952-4137

s.23

TO / DEST:

Nathalie Levman – Counsel, Criminal Law Policy Section

FROM / ORIG:

Dan Moore – Counsel, Human Rights Law Section

SUBJECT / OBJET:

Comments/Remarques

Do not write in this space / Ne pas écrire dans cet espace

**Pages 91 to / à 95
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(a), 21(1)(b), 23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Solicitor-Client Privilege



Dan Moore

Dan Moore

s.21(1)(a)

s.21(1)(b)

s.23



Levman, Nathalie

From: Ouellette, Jacinthe
Sent: 2016-Feb-15 5:04 PM
To: * SADMO/Admin
Cc: * CLP SGC/Admin; Picard, Mariane C.; Morency, Carole; Glushek, Phaedra; Levman, Nathalie; Taylor, Matthew; Tremblay, Mylène; Vaillant, Maryse
Subject: 2016-003215 Late Show SoW - Bill C-452
Attachments: Late Show Debate (Bill C-452) DMO approved eng.doc; LateShowBill452RebuttalFeb'16 doc(FRbg mt_rev)clean.doc; LateShowBill452Feb'16 doc(FR with DMO's rev.)doc.doc

Please find the french translation of the speech, and the rebuttal. Thank you

Jacinthe Ouellette

Executive Assistant / Adjointe exécutive
613-957-4951

From: Parker, Elizabeth
Sent: Monday, February 15, 2016 4:23 PM
To: * CLP SGC/Office
Cc: * SADMO/Admin
Subject: FW: Late Show Show - Bill C-452

Hi,

Please find the enclosed document with DMO comments.

Thanks

Liz Parker

Administrative Assistant | Adjointe Administrative
613.952.2200

From: Picard, Mariane C.
Sent: February-15-16 4:17 PM
To: Parker, Elizabeth; * SADMO/Admin
Cc: * PAU - QP Team
Subject: RE: Late Show Show - Bill C-452

Bonjour,

Here is the speech with DMO comments. Could the French please be reviewed accordingly?

Merci beaucoup,

Mariane

Mariane Picard

613-716-7044
mariane.picard@justice.gc.ca

From: Parker, Elizabeth
Sent: Monday, February 15, 2016 12:31 PM
To: Picard, Mariane C.; * PAU - QP Team
Cc: * SADMO/Admin
Subject: FW: Late Show Show - Bill C-452

Hi Mariane,

Please find the evasions included for the above mentioned speaking notes as approved by the SADM.

I will be down shortly to bring you the hard copy.

Thanks,

Liz Parker

Administrative Assistant | Adjointe Administrative
Senior Assistant Deputy Minister's Office |
Bureau du Sous-ministre adjoint principal
Policy Sector | Secteur des politiques
5200-284 Wellington, Ottawa, Ontario, Canada, K1A 0H8
elizabeth.parker@justice.gc.ca
Telephone | Téléphone 613.952.2200
Facsimile | Télécopieur 613.957.9949

From: Ouellette, Jacinthe
Sent: February-15-16 9:49 AM
To: * SADMO/Admin
Cc: * CLP SGC/Admin; Glushek, Phaedra; Morency, Carole; Levman, Nathalie; Taylor, Matthew; Vaillant, Maryse
Subject: Late Show Show - Bill C-452

Approved by / approuvé par Carole Morency, DG and SGC, CLPS. A hard copy will be provided to your office shortly.

Jacinthe Ouellette

Executive Assistant / Adjointe exécutive
613-957-4951

From: Valin, Martine
Sent: 2016-Feb-11 11:08 AM
To: Levman, Nathalie
Cc: Vaillant, Maryse; * CLP SGC/Office
Subject: Late Show Show - Bill C-452

Kindly acknowledge receipt.

Request for a four minute late show speech and a one-minute rebuttal on Bill C-452. (Attached are example on the Euthanasia file that can be used as templates)

Due in SGCO: COB Tuesday, February 16, 2016

Thank you.

Martine Valin

Adjointe exécutive /Executive Assistant
Politique en matière de droit pénal / Criminal Law Policy
284 Wellington Street, Room 5093
Justice Canada
Ottawa, Ontario K1A 0H8
Tel: (613) 948-7423
Fax: (613) 957-6374
martine.valin@justice.gc.ca

From: Picard, Mariane C.
Sent: February 11, 2016 11:02 AM
To: * SADMO/Admin; * CLP SGC/Office
Cc: * PAU - QP Team
Subject: RE: Late Show SoW - Bill C-452

Bonjour,

This is to confirm that Justice will be the lead on the Late Show debate below. Parliamentary Secretary Sean Casey will attend and in order to be ready for this debate, a four-minute late show speech and one-minute rebuttal are required. The speech should be approximately four pages, the rebuttal approximately one page, double spaced, Arial 16 Bold font, not capitalized. You will find attached a speech and rebuttal on euthanasia that can be used as a template.

We would need the SADM-approved speech and rebuttal, in both official languages, **by 3:00 pm, Thursday February 18**. The Speaker of the House selects items for debate before 5 pm from Monday to Thursday. As we don't know when this item will be chosen for debate, please be advised that the speeches may be required earlier.

Let me know if you have any questions.

Thank you!

Mariane

Mariane Picard

613-716-7044
mariane.picard@justice.gc.ca

From: Picard, Mariane C.
Sent: Wednesday, February 10, 2016 10:44 AM
To: * SADMO/Admin; * CLP SGC/Office
Subject: Late Show SoW - Bill C-452

Bonjour,

For your information, Status of Women has been tasked with a Late Show following Ms. Trudel's (NDP) question on Bill C-452 during QP on February 5. We are currently confirming with MO whether this should be a Justice lead. If not, we will likely share the QP note which is being prepared on the matter (due Friday) with SoW officials. I'll provide more information as soon as I receive it.

Thank you,

Mariane

NOTICE

Trudel, Karine (NDP)
Jonquière

Hansard, 05/02/2016, p. 902
Human Trafficking

Ms. Karine Trudel (Jonquière, NDP): Mr. Speaker, human trafficking is a very real phenomenon in my riding.

In 2015, 33 minor female runaways were sexually exploited in Laval alone. We need prevention, but a lot of resources on the ground as well.

However, something we could do right now and right here is implement Maria Mourani's bill, which was passed in the House of Commons last year. The bill would severely punish anyone who exploits our young women.

Can the government tell us if it will quickly set a date for implementing the bill?

[English]

Hon. Patty Hajdu (Minister of Status of Women, Lib.): Mr. Speaker, I thank the member for her concern and work on the issue of violence against women and girls.

Preventing and addressing violence against women and girls is a priority for this government. We are working with a range of key stakeholders to address this issue, including the launch of a national public inquiry into missing and murdered indigenous women and girls, developing a federal gender-violence strategy, and enhancing Canada's network of shelters and transition homes.

We are confident that this range of actions will reduce violence and end this scourge against our society.

Mariane Picard

Analyst and Question Period Coordinator | Analyste et coordonnatrice de la période de questions

Cabinet and Parliamentary Affairs | Affaires du Cabinet et parlementaires

Department of Justice | Ministère de la Justice

East Memorial Building | Édifice commémoratif de l'est

284 Wellington Street, room/pièce 4248

mariane.picard@justice.gc.ca

Tel. | Tél. 613-946-6929

B.B. 613-716-7044

Government of Canada | Gouvernement du Canada

N'hésitez pas à me répondre dans la langue officielle de votre choix |

Please feel free to reply in the official language of your choice

LATE SHOW SPEAKING NOTES

RELATING TO

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*

LATE SHOW SPEECH

QUESTION RAISED BY

Karine Trudel

(M.P., Jonquière, NDP)

Date: XX

Mr. Speaker, our Government is closely monitoring the situation in Quebec where young women have gone missing. Our thoughts and prayers are with the young women and their families.

We take human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected. And that is why we have committed to the inquiry into missing and murdered Indigenous women and girls.

Regrettably, the recruitment of children in need of ~~protection from~~ for the purpose of sexual exploitation and human trafficking remains a serious concern. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of

exploitation. The whole country shares the relief of parents whose daughters have been safely recovered in recent weeks.

We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.

While we support the principle of Bill C-452—to strengthen our criminal justice system's approach to human trafficking—there are some parts of the Bill that raise concerns.

If proclaimed into force, Bill C-452 would require sentencing judges to impose sentences for human trafficking offences consecutive to those imposed for any other offence arising out of the same event. There is

a real risk that the operation of this provision, together with the significant mandatory minimum penalties that were imposed on the human trafficking offences in 2014 (i.e., by the *Protection of Communities and Exploited Persons Act*, former Bill C-36), would be off-side violate the Charter.

These two mandatory sentencing provisions, operating together, could result in sentences that would be hugely out of disproportionate to an offender's misconduct and the justice system's approach to other offences. This disproportionality may ~~is generally considered to be in contravention of the~~ section 12 of the Charter guarantee against cruel and unusual punishment. In other words, there is a very real risk that the Bill could be unconstitutional.

We have committed to carefully review changes to the *Criminal Code* brought in over the last decade with a view to determining their compliance with the Charter and consistency with our values. We take this commitment very seriously. ~~and so w~~We will therefore ~~continue to take the necessary time to review the full content of the Bill to ensure that we don't enact anything that may, in the end, be found unconstitutional.~~

We will strengthen our efforts to address human trafficking, which is a complex issue that impacts on some of the most vulnerable members of our society. But we must do so responsibly – in a way that reflects our values and respects the Charter.

Accordingly, we are currently examining new ways to address this very important issue.

Thank you, Mr. Speaker.

**NOTES D'ALLOCUTION POUR LE DÉBAT
D'AJOURNEMENT CONCERNANT**

**Le projet de loi d'initiative parlementaire C-452, *Loi
modifiant le Code criminel (exploitation et traite de
personnes)***

DISCOURS POUR LE DÉBAT D'AJOURNEMENT

QUESTION SOULEVÉE PAR

KARINE TRUDEL

(DÉPUTÉE, JONQUIÈRE, NPD)

5 février 2016

Monsieur le président, notre gouvernement suit de près la situation au Québec où il y a eu disparition de jeunes femmes. Nos pensées et nos prières vont à ces jeunes femmes et à leur famille.

Nous prenons très au sérieux la traite de personnes et l'exploitation des femmes et des jeunes filles. Nous sommes déterminés à renforcer les efforts que nous déployons pour lutter contre ce problème, afin que certains des membres les plus vulnérables de la société soient mieux protégés. Et c'est pourquoi nous nous sommes engagés à procéder à une enquête sur les femmes et les filles autochtones disparues et assassinées.

Malheureusement, le recrutement d'enfants à des fins d'exploitation sexuelle et de traite de personnes demeure une grave préoccupation. La disparition d'un

enfant est une tragédie, tout particulièrement dans des circonstances qui laissent entrevoir la possibilité d'exploitation. Tout le pays partage le soulagement des parents dont les jeunes filles ont été retrouvées saines et sauves au cours des dernières semaines.

Nous sommes déterminés à travailler en collaboration avec les provinces et les territoires, les collectivités autochtones, les forces de l'ordre et les organisations communautaires en vue de lutter contre l'exploitation et d'offrir un appui aux victimes et aux victimes potentielles.

Bien que nous appuyions le principe qui sous-tend le projet de loi C-452 – renforcer l'approche du système de justice pénale à l'égard de la traite de personnes – il y a certaines de ses dispositions qui soulèvent des préoccupations.

S'il entrerait en vigueur, le projet de loi exigerait que la peine infligée à une personne pour une infraction de traite de personnes soit purgée consécutivement à toute autre peine sanctionnant une autre infraction basée sur les mêmes faits. Il existe un véritable risque que l'application de cette disposition, combinée aux peines minimales obligatoires sévères qui ont été établies en 2014 pour les infractions de traite de personnes (c.-à-d. par la *Loi sur la protection des collectivités et des personnes victimes d'exploitation*, l'ancien projet de loi C-36), enfreigne la *Charte*.

Ces deux dispositions assorties de peines obligatoires, appliquées conjointement, pourraient donner lieu au prononcé de peines qui seraient disproportionnées par rapport à l'inconduite du délinquant et à l'approche du système de justice à l'égard d'autres infractions. Cette

disproportion pourrait porter atteinte au droit de chacun à la protection contre toute peine cruelle et inusitée, garanti à l'article 12 de la *Charte*. En d'autres mots, il existe un risque réel que le projet de loi soit inconstitutionnel.

Nous nous sommes engagés à réviser attentivement les changements apportés au *Code criminel* au cours de la dernière décennie en vue de déterminer s'ils cadrent avec la *Charte* et nos valeurs. Nous prenons cet engagement très au sérieux. Nous prendrons donc le temps nécessaire pour examiner le projet de loi afin d'assurer que nous n'adoptons pas de mesures qui, en fin de compte, pourraient être déclarées inconstitutionnelles.

Nous renforcerons les efforts que nous déployons en vue de lutter contre la traite de personnes, un enjeu

**complexe qui entraîne des répercussions sur certains
des membres les plus vulnérables de notre société.**

**Cependant, il nous faut le faire de façon raisonnable –
d'une façon qui reflète nos valeurs et respecte la *Charte*.**

**Dans cette optique, nous examinons actuellement de
nouvelles façons d'aborder cette très importante
question.**

Merci.

NOTES D'ALLOCUTION POUR LE DÉBAT D'AJOURNEMENT
CONCERNANT

**Le projet de loi d'initiative parlementaire C-452, *Loi modifiant
le Code criminel (exploitation et traite de personnes)***

RÉFUTATION

QUESTION SOULEVÉE PAR

KARINE TRUDEL

(DÉPUTÉE, JONQUIÈRE, NPD)

5 février 2016

Monsieur le président, notre gouvernement est déterminé à prendre des mesures en vue de mieux protéger les victimes d'exploitation et les personnes qui risquent d'être exploitées. Nous sommes également déterminés à garantir que les trafiquants répondent dûment des crimes qu'ils commettent contre certains des membres les plus vulnérables de notre société.

Nous appuyons les importants objectifs du projet de loi C-452 et l'examinons de façon prioritaire en vue de déterminer dans quelle mesure les modifications qu'il contient peuvent être mises en œuvre. Cet examen nécessite une analyse approfondie des répercussions du projet de loi relatives à la *Charte*.

Alors que nous examinons ces importantes questions de façon prioritaire, je tiens à souligner que le droit pénal actuel

**prévoit de lourdes peines pour les trafiquants de personnes,
y compris de longues peines minimales obligatoires.**

Levman, Nathalie

From: Ouellette, Jacinthe
Sent: 2016-Feb-15 9:49 AM
To: * SADMO/Admin
Cc: * CLP SGC/Admin; Glushek, Phaedra; Morency, Carole; Levman, Nathalie; Taylor, Matthew; Vaillant, Maryse
Subject: Late Show Show - Bill C-452
Attachments: LateShowBill452Feb'16.doc; LateShowBill452RebuttalFeb'16.doc

Approved by / approuvé par Carole Morency, DG and SGC, CLPS. A hard copy will be provided to your office shortly.

Jacinthe Ouellette

Executive Assistant / Adjointe exécutive
613-957-4951

From: Valin, Martine
Sent: 2016-Feb-11 11:08 AM
To: Levman, Nathalie
Cc: Vaillant, Maryse; * CLP SGC/Office
Subject: Late Show Show - Bill C-452

Kindly acknowledge receipt.

Request for a four minute late show speech and a one-minute rebuttal on Bill C-452. (Attached are example on the Euthanasia file that can be used as templates)

Due in SGC: COB Tuesday, February 16, 2016

Thank you.

Martine Valin

Adjointe exécutive /Executive Assistant
Politique en matière de droit pénal / Criminal Law Policy
284 Wellington Street, Room 5093
Justice Canada
Ottawa, Ontario K1A 0H8
Tel: (613) 948-7423
Fax: (613) 957-6374
martine.valin@justice.gc.ca

From: Picard, Mariane C.
Sent: February 11, 2016 11:02 AM
To: * SADMO/Admin; * CLP SGC/Office

Cc: * PAU - QP Team
Subject: RE: Late Show SoW - Bill C-452

Bonjour,

This is to confirm that Justice will be the lead on the Late Show debate below. Parliamentary Secretary Sean Casey will attend and in order to be ready for this debate, a four-minute late show speech and one-minute rebuttal are required. The speech should be approximately four pages, the rebuttal approximately one page, double spaced, Arial 16 Bold font, not capitalized. You will find attached a speech and rebuttal on euthanasia that can be used as a template.

We would need the SADM-approved speech and rebuttal, in both official languages, **by 3:00 pm, Thursday February 18**. The Speaker of the House selects items for debate before 5 pm from Monday to Thursday. As we don't know when this item will be chosen for debate, please be advised that the speeches may be required earlier.

Let me know if you have any questions.

Thank you!

Mariane

Mariane Picard
613-716-7044
mariane.picard@justice.gc.ca

From: Picard, Mariane C.
Sent: Wednesday, February 10, 2016 10:44 AM
To: * SADM/Office; * CLP SGC/Office
Subject: Late Show SoW - Bill C-452

Bonjour,

For your information, Status of Women has been tasked with a Late Show following Ms. Trudel's (NDP) question on Bill C-452 during QP on February 5. We are currently confirming with MO whether this should be a Justice lead. If not, we will likely share the QP note which is being prepared on the matter (due Friday) with SoW officials. I'll provide more information as soon as I receive it.

Thank you,

Mariane

NOTICE

Trudel, Karine (NDP)
Jonquière

Hansard, 05/02/2016, p. 902
Human Trafficking

Ms. Karine Trudel (Jonquière, NDP): Mr. Speaker, human trafficking is a very real phenomenon in my riding. In 2015, 33 minor female runaways were sexually exploited in Laval alone. We need prevention, but a lot of resources on the ground as well.

However, something we could do right now and right here is implement Maria Mourani's bill, which was passed in the House of Commons last year. The bill would severely punish anyone who exploits our young women.

Can the government tell us if it will quickly set a date for implementing the bill?

[English]

Hon. Patty Hajdu (Minister of Status of Women, Lib.): Mr.

Speaker, I thank the member for her concern and work on the issue of violence against women and girls.

Preventing and addressing violence against women and girls is a priority for this government. We are working with a range of key stakeholders to address this issue, including the launch of a national public inquiry into missing and murdered indigenous women and girls, developing a federal gender-violence strategy, and enhancing Canada's network of shelters and transition homes.

We are confident that this range of actions will reduce violence and end this scourge against our society.

Mariane Picard

Analyst and Question Period Coordinator | Analyste et coordonnatrice de la période de questions

Cabinet and Parliamentary Affairs | Affaires du Cabinet et parlementaires

Department of Justice | Ministère de la Justice

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284 Wellington Street, room/pièce 4248

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B.B. 613-716-7044

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LATE SHOW SPEAKING NOTES

RELATING TO

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*

LATE SHOW SPEECH

QUESTION RAISED BY

KARINE TRUDEL

(M.P., JONQUIERE, NDP)

Dated February 5, 2016

Mr. Speaker, our Government is closely monitoring the situation in Quebec where young women have gone missing. Our thoughts and prayers are with the young women and their families.

We take human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected. And that is why we have committed to the inquiry into missing and murdered Indigenous women and girls.

Regrettably, the recruitment of children in need of protection from sexual exploitation and human trafficking remains a serious concern. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of exploitation. The whole

country shares the relief of parents whose daughters have been safely recovered in recent weeks.

We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.

While we support the principle of Bill C-452 – to strengthen our criminal justice system's approach to human trafficking – there are some parts of the Bill that raise concerns.

If proclaimed into force, Bill C-452 would require sentencing judges to impose sentences for human trafficking offences consecutive to those imposed for any other offence arising out of the same event. There is a real risk that the operation of this provision, together

with the significant mandatory minimum penalties that were imposed on the human trafficking offences in 2014 (i.e., by the *Protection of Communities and Exploited Persons Act*, former Bill C-36), would be off-side the *Charter*.

These two mandatory sentencing provisions, operating together, could result in sentences that would be hugely out of proportion to an offender's misconduct and the justice system's approach to other offences. This disproportionality is generally considered to be in contravention of section 12 of the *Charter* guarantee against cruel and unusual punishment. In other words, there is a very real risk that the Bill could be unconstitutional.

We have committed to carefully review changes to the *Criminal Code* brought in over the last decade with a

view to determining their compliance with the *Charter* and consistency with our values. We take this commitment very seriously and so we will continue to take the necessary time to review the full content of the Bill to ensure that we don't enact anything that may, in the end, be found unconstitutional.

We will strengthen our efforts to address human trafficking, which is a complex issue that impacts on some of the most vulnerable members of our society. But we must do so responsibly – in a way that reflects our values and respects the *Charter*.

Accordingly, we are currently examining new ways to address this very important issue.

Thank you.

LATE SHOW SPEAKING NOTES

RELATING TO

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*

REBUTTAL

QUESTION RAISED BY

KARINE TRUDEL

(M.P., JONQUIERE, NDP)

Dated February 5, 2016

Mr. Speaker, our Government is committed to taking steps to better protect victims of exploitation and those who are at risk of being exploited. We are also committed to ensure that traffickers are appropriately held to account for the crimes they commit against some of the most vulnerable members of our society.

We support Bill C-452's important objectives and are examining it as a priority to determine to what extent its reforms can be proclaimed into force. This requires an in-depth analysis of the Bill's *Charter* implications.

While we examine these important issues on a priority basis, I would note that the existing criminal law imposes significant penalties on human traffickers, including lengthy mandatory minimum penalties.

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*
Parliamentarians'/Stakeholders' Views
February 2016

This document provides an overview of Parliamentarians' and stakeholders' views, as expressed during the Parliamentary process, on Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, which received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

The House of Commons Committee on Justice and Human Rights (Justice Committee) studied Bill C-452 in three sittings and heard from approximately 9 witnesses. The House of Commons passed the Bill without a recorded vote. The Senate Committee on Legal and Constitutional Affairs (Senate Committee) studied the Bill in three sittings and heard from approximately 4 witnesses. The Senate passed the Bill on division.

Bill C-452 amended the *Criminal Code* to:

1. Require the imposition of consecutive sentences where an offender is sentenced at the same time for a trafficking in persons offence (sections 279.01-279.03) and any other offence arising out of the same event or series of events;
2. Add an evidentiary presumption that an accused is trafficking an exploited person if they are shown to live with or be habitually in the company of that person;
3. Make a technical amendment to the French version of section 279.04 (definition of exploitation), to address a discrepancy between the English and French versions created by Private Member's Bill C-310, which came into force on June 28, 2012; and
4. Modify the provision that imposes a reverse onus for forfeiture of proceeds of crime for certain criminal organization and drug offences to apply also to trafficking offences.

Parliamentarians' Views:

Although all parties ultimately supported the Bill in the House, as amended by the then Conservative Government, a number of Liberal Members of Parliament voiced concern about the mandatory consecutive sentencing proposal and the evidentiary presumption:

- **Mandatory Consecutive Sentencing:** Concerns were expressed regarding removal of judicial discretion and possible violation of section 12 of the *Charter*:
 - During clause by clause at the Justice Committee, Liberal Member of Parliament Sean Casey introduced a Liberal amendment, which would have provided for an escape clause where a judge deems consecutive sentences to not be in the best interests of justice in order to avoid compromising the "proper role of the judiciary or charter guarantees such as those against cruel and unusual punishment." The

amendment would also have required judges to give reasons if imposing concurrent sentences.

- At Third Reading in the House, Liberal Member of Parliament Lise St-Denis voiced concern about placing restrictions on judicial discretion.
- Also at Third Reading in the House, Liberal Member of Parliament Irwin Cotler expressed reluctance to remove discretion from judges by making consecutive sentences mandatory in human trafficking cases. He expressed a preference for making consecutive sentences the norm, while still allowing concurrent sentences in exceptional cases, provided judges give reasons for departing from the usual practice.
- **Evidentiary Presumption:** Concerns were also expressed about the breadth of the presumption:
 - During clause by clause at Justice Committee, Mr. Casey introduced another Liberal amendment that would have exempted minors from the scope of the presumption. His stated concern was that the presumption could apply to minors whose parents are human traffickers, teachers who may not know that a child in their classroom is being trafficked, or women working together as sex workers, some not knowing the extent to which another may be controlled by her pimp.
 - At Third Reading in the House, Liberal Member of Parliament Lise St-Denis questioned whether the evidentiary presumption is “contrary to the principle the Bill seeks to defend.”
 - At Third Reading in the Senate, Senator Jaffer expressed concerns with the constitutionality of the evidentiary presumption, quoting extensively from the Canadian Bar Association’s testimony on this issue (see below).

Legal Stakeholders’ Views:

Legal stakeholders (the Canadian Bar Association and the Criminal Lawyers’ Association), who appeared at Senate Committee, strongly opposed the evidentiary presumption, maintaining that it violates the presumption of innocence in section 11(d) and cannot be saved under s.1, because it has the potential to catch innocent bystanders who associate with victims of crime. Although the Supreme Court of Canada’s 1992 *Downey* decision upheld a similar presumption as justifiable under section 1 of the *Charter* (i.e., former subsection 212(3), which applied to the now repealed living on the avails of prostitution offence, paragraph 212(1)(j)), these stakeholders maintained that a similar case would be decided differently today, given the Supreme Court of Canada’s 2013 *Bedford* decision, which found offences that it had upheld in 1990 to be unconstitutional. These stakeholders also opposed mandatory consecutive sentences on the basis of their view that all mandatory sentencing provisions inappropriately remove discretion from sentencing judges.

Law Enforcement Stakeholders’ Views:

Law enforcement witnesses before both the Justice Committee Senate Committee all voiced the opinion that the Bill would provide needed tools to law enforcement. Witnesses included:

- Winnipeg Police Service (Justice Committee)
- City of Montreal Police Service (Justice and Senate Committees)

Non-Governmental Organization (NGO) Stakeholders' Views:

Witnesses who appeared before both Justice and Senate Committees expressed support for all aspects of the Bill, including on the basis that the Bill would provide police officers with more tools to address human trafficking. Witnesses included:

- Concertation des luttes contre l'exploitation sexuelle (Justice and Senate Committees)
- Walk with Me (Justice Committee)
- Maison de Marthe (Justice Committee)
- Association féminine d'éducation et d'action sociale (Justice Committee)
- Quebec Council on the Status of Women (Justice Committee)
- Salvation Army (Justice Committee)
- Comité d'action contre la traite humaine et internationale (Justice Committee)

Levman, Nathalie

From: Ouellette, Jacinthe
Sent: 2016-Mar-02 9:48 AM
To: * SADMO/Admin
Cc: * CLP SGC/Admin; Glushek, Phaedra; Morency, Carole; Levman, Nathalie; Vaillant, Maryse
Subject: Supps C & Mains - BILL C-452
Attachments: QPBill C-452Feb'16Final.docx

Approved by / approuvé par Carole Morency, DG and SGC, CLPS. A hard copy will be provided to your office shortly.

Jacinthe Ouellette

Executive Assistant / Adjointe exécutive
613-957-4951

From: Valin, Martine
Sent: February-29-16 11:19 AM
To: Morency, Carole; Blackell, Gillian; Sigouin, Jocelyn; Giff-MacKinnon, Naomi; Klineberg, Joanne; Tremblay, Mylène; Levman, Nathalie; Taylor, Matthew; Saint-Denis, Paul; Yost, Greg; Di Manno, Andrew; Bouchard, Stephanie; Reeve, Marilou; Breithaupt, Doug
Cc: * CLP SGC/Admin; MacEachern, Laurie; Thérien, Michelle; Vaillant, Maryse; Maloney, Amber; Riel, Claudine; Point-du-Jour, Marie Cléone
Subject: REQUEST FOR NOTES Supps C & Mains - Policy Sector

Good morning,

We've been asked to prepare Supplementary and Main Estimates notes on the above noted subjects. Please let me know if I have misidentified leads on the files. Some notes were pre-populated by FPB (Finance) and are also attached.

Due in the SGCO by COB, Tuesday, March 1st, 2016

Recent QP notes prepared on some of the issues can be recycled and transposed into the correct template; email to follow. Should other previous notes be of assistance to officials during preparation of the new notes, we are able to provide these upon request.

Thank you.

Funding to implement the <i>Canadian Victims Bill of Rights</i> (SEC: \$2.463 million; Mains: million)	PS Gillian/Jocelyn
Funding in support of Investigative Powers for the 21 st Century stemming from the <i>Pro Canadians from Online Crime Act</i> and the ratification of the Council of Europe's Convention on Cybercrime (SEC: \$2.014 million; Mains: \$1.96 million)	PS Karen
Funding for activities related to Division 9 the <i>Immigration and Refugee Protection Act</i> (\$3.672 million; Mains: \$6.87 million)	PSDI

Transfer to Status of Women to support a National Aboriginal Circle Against Family Vi project (\$80,000)	PS Gillian/Naomi
Main Estimates 2016-2017	
Action Plan to Address Family Violence and Violent Crime Against Aboriginal Women Girls (\$1.98 million)	PS Gillian/Naomi

LEGISLATION
Legislative Overview (FPT Document)
Nation-to-Nation
Physician-Assisted Dying
Criminal Justice System Review
Bill C-452, <i>An act to amend the Criminal Code (exploitation and trafficking in persons)</i>
Marijuana Legalization
Missing and Murdered Indigenous Women and Girls
Gender Identity
Gender Identity
Bail Reform (no note required, to be covered in CJSR)
Mandatory Minimum Penalties (no note required, to be covered in CJSR)
Impaired Driving (no note required, to be covered in CJSR)
Repeal of Section 43 of the <i>Criminal Code</i>
Credit for pre-sentence custody
Victim Surcharge

Repealing Key Elements of the *Anti-terrorism Act* (Former Bill C-51)

INDIGENOUS ISSUES

Indian Residential Schools Settlement Agreement

Truth and Reconciliation Commission

Indigenous Over-Representation in the Criminal Justice System

St. Anne's Indian Residential School

UN Declaration on the Rights of Indigenous Peoples

Indigenous Childhood Claims Litigation

Martine

From: Picard, Mariane C.

Sent: February 26, 2016 5:44 PM

To: * SADMO/Admin; * CLP SGC/Office

Cc: Gauthier, Julie; Rousseau, Johanne

Subject: REQUEST FOR NOTES Supps C & Mains - Policy Sector

Bonjour,

Please find attached the revised Table of Contents for the materials for Supps C and Mains. We ask that you provide those notes for which your sector is identified in the **TAB** column. Occasionally, this column will indicate two or more sectors, the lead is identified first and is asked to coordinate with the other listed sector(s). Please use the template attached when preparing your notes. Some notes were pre-populated by FPB and are also attached.

This binder will be prepared in English only; note that any briefing material submitted in French must be translated and also submitted in English.

We are asking that the ADM-approved notes be provided by **12:00PM Wednesday, March 2, 2016**. Approved notes can be sent to Johanne Rousseau with a copy to Julie Gauthier.

Recent QP notes prepared on some of the issues can be recycled and transposed into the correct template; email to follow. Should other previous notes be of assistance to officials during preparation of the new notes, we are able to provide these upon request.

Please feel free to contact me or Julie Gauthier should you have any questions or concerns about this request.

Thank you,

Mariane

Mariane Picard

Analyst and Question Period Coordinator | Analyste et coordonnatrice de la période de questions

Cabinet and Parliamentary Affairs | Affaires du Cabinet et parlementaires

Department of Justice | Ministère de la Justice

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Please feel free to reply in the official language of your choice

Advice to the Minister

**BILL C-452, AN ACT TO AMEND THE CRIMINAL CODE
(EXPLOITATION AND TRAFFICKING IN PERSONS)**

TOPIC: Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)* received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

CONTEXT: A situation in Laval, Quebec, in which young women have gone missing and are presumed to be victims of exploitation through human trafficking, has directed attention to the fact that Bill C-452 has yet to be proclaimed into force. Bill C-452's objective is to strengthen the criminal justice system's approach to human trafficking.

PROPOSED RESPONSE:

- **We acknowledge Bill C-452's important objectives. Accordingly, we are urgently examining whether and how the reforms in Bill C-452 can be brought into force. Specifically, we have some concerns that a part of the Bill may be inconsistent with the *Canadian Charter of Rights and Freedoms*.**
- **Bill C-452's mandatory consecutive sentencing provision, operating together with the mandatory minimum penalties that apply to the human trafficking offences, could result in sentences that would be disproportionate to an offender's misconduct and the justice system's approach to other offences. This disproportionality is generally considered to contravene the section 12 of the *Charter* guarantee against cruel and unusual punishment. In other words, there is a very real risk that the bill could be unconstitutional.**
- **In the meantime, I note that the existing criminal law already provides significant penalties for human trafficking-related conduct, including lengthy mandatory minimum penalties.**
- **I can assure you that we will be acting quickly on this very important file to address a real and important issue in our society, but we must do so responsibly – in a way that reflects our values and respects the *Charter*.**

BACKGROUND:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, introduced by Maria Mourani (Ahuntsic – BQ), amends the *Criminal Code* to strengthen the criminal justice system's response to the crime of human trafficking. The Bill received Royal Assent on June 18, 2015, but has yet to be proclaimed into force. A number of technical steps would have to be undertaken before the Bill can be proclaimed into force.

Bill C-452 amends the *Criminal Code* to:

- Require consecutive sentencing for offenders convicted of human trafficking offences and any other offence arising out of the same event(s);
- Add a presumption that an accused is exploiting a trafficking victim if they are shown to be living with or habitually in the company of that person;
- Make a technical amendment to the French version of section 279.04 (definition of exploitation) to address a discrepancy between the English and French versions; and,
- Modify the provision that imposes a reverse onus for forfeiture of proceeds of crime for certain criminal organization and drug offences to apply to human trafficking offences.

The human trafficking offences, section 279.01 (main human trafficking offence), section 279.02 (receiving a material benefit from human trafficking) and section 279.03 (withholding or destroying documents to facilitate human trafficking), were first enacted in 2005 and carry significant penalties of up to life imprisonment, including mandatory minimum penalties (MMPs). These provisions have been amended three times since their enactment in 2005. In particular, in 2010, a new child trafficking offence (section 279.011) with MMPs of 5 and 6 years was enacted. In 2014, MMPs of 4 and 5 years were imposed on the main trafficking offence (section 279.01), along with MMPs of 2 years and 1 year for receiving a material benefit from child trafficking (subsection 279.02(2)) and withholding or destroying documents to facilitate child trafficking (subsection 279.03(2)). These MMPs were enacted by the *Protection of Communities and Exploited Persons Act* (former Bill C-36), which came into force on December 6, 2014.

Bill C-452's mandatory consecutive sentencing provision, together with the MMPs that now apply to many of the human trafficking offences, would require sentencing judges to stack MMPs in cases involving convictions for multiple counts of human trafficking and other offences that carry MMPs (e.g., child sexual offences and child prostitution offences). This could result in the imposition of disproportionate sentences, which risk violating the *Charter* guarantee against cruel and unusual punishment (section 12).

Human trafficking involves the recruitment, transportation and harbouring of persons for the purpose of exploitation, typically sexual exploitation or forced labour. Most human trafficking cases in Canada involve Canadian females exploited in the sex trade.

The Federal National Action Plan on Trafficking in Persons, launched on June 6, 2012 and led by Public Safety and Emergency Preparedness Canada, consolidates federal government efforts to combat human trafficking and focuses on four core areas: the prevention of human trafficking; the protection of victims; the prosecution of offenders; and, working in partnership with others both domestically and internationally.

Prepared by: Nathalie, Levman
Date: March 1st, 2016

Approved by: Donald K. Piragoff
Date:

Annex A

If asked about the Laval, Quebec situation:

- **Our government is aware and closely monitoring the situation in Quebec where young women have gone missing.**
- **Our thoughts and prayers are with the young women and their families. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of exploitation, and the whole country shares the relief of parents whose daughters have been safely recovered in recent weeks.**
- **Our government takes human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected.**
- **We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.**

Levman, Nathalie

From: Valin, Martine
Sent: 2016-Feb-11 2:11 PM
To: * SADM/ Admin
Cc: Levman, Nathalie; Vaillant, Maryse; * CLP SGC/ Admin
Subject: 2016-003221 - Urgent TPs for Minister (C-452)
Attachments: TPsBill452MinisterFeb'16.docx

Approved by / approuvé par Carole Morency, Director General and SGC – the hard copy will be delivered to your office shortly.

Martine Valin

Adjointe exécutive / Executive Assistant
Politique en matière de droit pénal / Criminal Law Policy
284 Wellington Street, Room 5093
Justice Canada
Ottawa, Ontario K1A 0H8
Tel: (613) 948-7423
Fax: (613) 957-6374
martine.valin@justice.gc.ca

From: Nesbitt, Scott <Scott.Nesbitt@justice.gc.ca>
Sent: Thursday, February 11, 2016 11:01 AM
To: Hébert, Nathalie; Melanson, Janice
Cc: Morency, Carole
Subject: FW: Call w/ Min Vallée

Can we please get TPs by 4:00 today to use for a call with Quebec Minister of Justice tomorrow on C-452? See DM's direction below – we need to outline considerations without committing to any particular course of action or timing on decision.

From: Pentney, William
Sent: Thursday, February 11, 2016 10:59 AM
To: Lafleur, Eric
Cc: Geh, Sarah; Patry, Claudine; Nesbitt, Scott
Subject: Re: Call w/ Min Vallée

Ok thank you. We should get the Minister some talking points. Need to be clear that the review of options is still going on - ie no specific promise of what the Min will decide, or when. Thanks

Bill



Unclassified
2016-003221

Talking Points

Whether the Government will proclaim into force Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*

- Our Government supports the objectives of Bill C-452, but we have concerns that a part of the Bill may be inconsistent with the *Charter*.
- Specifically, Bill C-452 requires sentencing judges to impose consecutive sentences on offenders convicted of human trafficking offences and any other offence arising out of the same event.
- This provision, together with the new mandatory minimum penalties (MMPs) imposed on the human trafficking offences by the *Protection of Communities and Exploited Persons Act* (which came into force on December 6, 2014), could require a “stacking” of MMPs, resulting in extremely lengthy sentences.
- As you know, provisions that require sentencing judges to impose extremely long sentences have been found to amount to cruel and unusual punishment under section 12 of the *Charter*.
- My officials are examining these *Charter* issues as they relate to Bill C-452 on a priority basis.

- **We are committed to achieving Bill C-452's important objectives quickly and responsibly. Accordingly, we are urgently examining whether and how Bill C-452's reforms can be brought into force.**
- **In the meantime, I note that the existing criminal law already provides significant penalties for human trafficking-related conduct, including lengthy mandatory minimum penalties.**

PREPARED BY
Nathalie Levman
Counsel
Policy Sector
(613) 948-7420

Levman, Nathalie

From: Ouellette, Jacinthe
Sent: 2016-Feb-15 11:04 AM
To: * SADM/Office; * CLP SGC/Office; Vaillant, Maryse; Levman, Nathalie; Taylor, Matthew
Cc: Picard, Mariane C.; * CLP SGC/Office; Vaillant, Maryse; Levman, Nathalie; Taylor, Matthew
Subject: QP note (translation)- Bill C-452
Attachments: Bill C-452 (2016-02-12)track.doc; Bill C-452 (2016-02-12)clean.doc; QPTemplate2015-12-wi-fra.doc(FR mt rev)clean.doc

Please find the French Translation of the QP note.

Jacinthe Ouellette

Executive Assistant / Adjointe exécutive
613-957-4951

From: Picard, Mariane C.
Sent: Friday, February 12, 2016 10:07 AM
To: * SADM/Office; * CLP SGC/Office
Cc: * PAU - QP Team
Subject: RE: Late Show SoW - Bill C-452

Bonjour,

The QP note on Bill C-452 was revised by the Minister's Office, see attached. Could officials please use these lines in preparing the Late Show speech and rebuttal?

Can you please also ensure that the French QP note on Bill C-452 reflects these updated lines?

Thanks,

Mariane

Mariane Picard

613-716-7044
mariane.picard@justice.gc.ca

From: Picard, Mariane C.
Sent: Thursday, February 11, 2016 11:02 AM
To: * SADM/Office; * CLP SGC/Office
Cc: * PAU - QP Team
Subject: RE: Late Show SoW - Bill C-452

Bonjour,

This is to confirm that Justice will be the lead on the Late Show debate below. Parliamentary Secretary Sean Casey will attend and in order to be ready for this debate, a four-minute late show speech and one-minute rebuttal are required. The speech should be approximately four pages, the rebuttal approximately one page, double spaced, Arial 16 Bold font, not capitalized. You will find attached a speech and rebuttal on euthanasia that can be used as a template.

We would need the SADM-approved speech and rebuttal, in both official languages, **by 3:00 pm, Thursday February 18**. The Speaker of the House selects items for debate before 5 pm from Monday to Thursday. As we don't know when this item will be chosen for debate, please be advised that the speeches may be required earlier.

Let me know if you have any questions.

Thank you!

Mariane

Mariane Picard

613-716-7044

mariane.picard@justice.gc.ca

From: Picard, Mariane C.

Sent: Wednesday, February 10, 2016 10:44 AM

To: * SADM/Admin; * CLP SGC/Office

Subject: Late Show SoW - Bill C-452

Bonjour,

For your information, Status of Women has been tasked with a Late Show following Ms. Trudel's (NDP) question on Bill C-452 during QP on February 5. We are currently confirming with MO whether this should be a Justice lead. If not, we will likely share the QP note which is being prepared on the matter (due Friday) with SoW officials. I'll provide more information as soon as I receive it.

Thank you,

Mariane

NOTICE

Trudel, Karine (NDP)
Jonquière

Hansard, 05/02/2016, p. 902
Human Trafficking

Ms. Karine Trudel (Jonquière, NDP): Mr. Speaker, human trafficking is a very real phenomenon in my riding.

In 2015, 33 minor female runaways were sexually exploited in Laval alone. We need prevention, but a lot of resources on the ground as well.

However, something we could do right now and right here is implement Maria Mourani's bill, which was passed in the House of Commons last year. The bill would severely punish anyone who exploits our young women.

Can the government tell us if it will quickly set a date for implementing the bill?

[English]

Hon. Patty Hajdu (Minister of Status of Women, Lib.): Mr. Speaker, I thank the member for her concern and work on the issue of violence against women and girls.

Preventing and addressing violence against women and girls is a priority for this government. We are working with a range of key stakeholders to address this issue, including the launch of a national

public inquiry into missing and murdered indigenous women and girls, developing a federal gender-violence strategy, and enhancing Canada's network of shelters and transition homes.

We are confident that this range of actions will reduce violence and end this scourge against our society.

Mariane Picard

Analyst and Question Period Coordinator | Analyste et coordonnatrice de la période de questions

Cabinet and Parliamentary Affairs | Affaires du Cabinet et parlementaires

Department of Justice | Ministère de la Justice

East Memorial Building | Édifice commémoratif de l'est

284 Wellington Street, room/pièce 4248

mariane.picard@justice.gc.ca

Tel. | Tél. 613-946-6929

B.B. 613-716-7044

Government of Canada | Gouvernement du Canada

N'hésitez pas à me répondre dans la langue officielle de votre choix |

Please feel free to reply in the official language of your choice

Note pour la période de questions

Projet de loi C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*

SUJET :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, a été sanctionné le 18 juin 2015, mais il n'est pas encore entré en vigueur.

RÉPONSE SUGGÉRÉE :

- **Notre gouvernement est au courant de la disparition de jeunes femmes au Québec et suit de près la situation. Ces jeunes femmes et leurs familles sont dans nos pensées et nos prières.**
- **Nous prenons très au sérieux la traite des personnes et l'exploitation des femmes et des jeunes filles. Nous sommes déterminés à renforcer nos efforts pour lutter contre ce problème afin que certains des membres les plus vulnérables de la société soient mieux protégés. Et c'est pourquoi nous nous sommes engagés à procéder à une enquête sur les femmes et les filles autochtones disparues et assassinées.**
- **Malheureusement, le recrutement d'enfants qui ont besoin d'être protégés contre l'exploitation sexuelle et la traite de personnes demeure une grave préoccupation. La disparition d'un enfant est une tragédie, tout particulièrement dans des circonstances qui portent à croire qu'il y a pu y avoir exploitation; tout le pays partage le soulagement des parents dont les filles ont été retrouvées saines et sauvées au cours des dernières semaines.**
- **Nous sommes déterminés à travailler en collaboration avec les provinces et les territoires, les collectivités autochtones, les forces de l'ordre et les organisations communautaires pour lutter contre l'exploitation et offrir un appui aux victimes et aux victimes potentielles.**
- **Bien que nous appuyions le principe du projet de loi C-452 –certaines de ses parties soulèvent des préoccupations.**
- **À titre de procureure générale du Canada, j'ai la responsabilité d'examiner les textes législatifs et d'aviser le Premier ministre lorsqu'un**

projet de loi soulève des préoccupations de nature constitutionnelle ou est incompatible avec la *Charte canadienne des droits et libertés*.

- Dans le cadre de notre examen des dispositions sur la détermination de la peine, prévues dans le projet de loi C-452, nous avons conclu qu'il existe un risque réel que l'exigence imposée aux juges d'infliger des peines consécutives, conjuguée à l'infliction de peines minimales obligatoires, serait contraire à la *Charte*. Ces deux dispositions, appliquées conjointement, pourraient donner lieu au prononcé de peines qui seraient exagérément disproportionnées par rapport à l'inconduite du délinquant et à l'approche du système de justice à l'égard d'autres infractions. Une peine exagérément disproportionnée est généralement considérée comme portant atteinte au droit de chacun à la protection contre toute peine cruelle et inusitée, aux termes de l'article 12 de la *Charte*. En d'autres mots, il existe un risque très réel que le projet de loi puisse être déclaré inconstitutionnel.
- Dans sa lettre de mandat, le Premier ministre m'a demandé de réviser attentivement les changements apportés au *Code criminel* au cours de la dernière décennie en vue d'établir s'ils cadrent avec la *Charte* et nos valeurs. Je prends ce mandat très au sérieux et je continuerai de prendre le temps qu'il faut pour réviser l'ensemble du projet de loi pour veiller à ce que nous n'adoptions pas de dispositions qui pourraient être déclarées inconstitutionnelles par la suite.
- Je peux vous garantir que nous agissons rapidement dans ce très important dossier afin de remédier à un problème réel et important dans notre société; cependant, il nous faut le faire de façon responsable – d'une façon qui reflète nos valeurs et respecte la *Charte*.
- Dans le cadre de ce processus, nous examinerons la possibilité de déposer un nouveau projet de loi pour traiter de cette question très importante.

CONTEXTE :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, déposé par Maria Mourani (Ahuntsic – BQ), vise à modifier le *Code criminel* en vue de renforcer la réponse du système de justice pénale à l'égard de l'infraction de traite de personnes. Le projet de loi a été sanctionné le 18 juin 2015, mais n'est pas encore entré en vigueur. Un certain nombre de mesures techniques devraient être prises avant que le projet de loi puisse entrer en vigueur.

Le projet de loi C-452 vise à modifier le *Code criminel* afin :

- d'exiger que la peine infligée aux délinquants déclarés coupables d'infractions de traite de personnes soit purgée consécutivement à toute autre peine sanctionnant une autre infraction basée sur les mêmes faits;
- d'ajouter une présomption portant qu'un accusé exploite une victime de traite de personnes s'il est établi qu'il vit ou se trouve habituellement en compagnie de cette personne;
- d'apporter une modification technique à la version française de l'article 279.04 (définition de l'exploitation) en vue de corriger une divergence entre les versions française et anglaise;
- de modifier la disposition portant inversion du fardeau de preuve en ce qui a trait à la confiscation des produits de la criminalité obtenus en rapport avec certaines infractions d'organisation criminelle et relatives aux drogues afin que cette disposition vise les infractions de traite de personnes.

Les infractions de traite de personnes, l'article 279.01 (l'infraction principale de traite de personnes), l'article section 279.02 (bénéficier d'un avantage matériel provenant de la traite de personnes) et l'article 279.03 (rétention ou destruction de documents en vue de faciliter la traite de personnes) ont été adoptées initialement en 2005 et sont passibles de lourdes peines pouvant aller jusqu'à l'emprisonnement à perpétuité, y compris de peines minimales obligatoires (PMO). Ces dispositions ont été modifiées à trois reprises depuis leur adoption en 2005, deux fois par des projets de loi d'initiative parlementaire :

- Projet de loi d'initiative parlementaire C-268, *Loi modifiant le Code criminel (peine minimale pour les infractions de traite de personnes âgées de moins de dix-huit ans)*, parrainé par Joy Smith (Kildonan-St. Paul) et entré en vigueur le 29 juin 2010, a créé l'infraction de traite d'enfants (article 279.011). Cette infraction est identique à l'infraction principale de traite de personnes (article 279.01), à la différence qu'elle prévoit des PMO plus élevées (de six ans lorsque l'infraction comporte des voies de fait graves, une agression sexuelle grave, un enlèvement ou la mort d'une personne, et de cinq ans dans tous les autres cas);
- Le projet de loi d'initiative parlementaire C-310, *Loi modifiant le Code criminel (traite des personnes)*, également parrainé par Joy Smith, entré en vigueur le 28 juin 2012, a conféré aux tribunaux le pouvoir d'exercer une compétence extraterritoriale afin que des citoyens canadiens et des résidents permanents, qui commettent des infractions à l'étranger, puissent être poursuivis au Canada, et ce projet de loi a créé une disposition d'interprétation prévoyant les types de preuve dont le tribunal peut tenir compte pour déterminer si une personne en exploite une autre aux fins des infractions de traite de personnes;
- Le projet de loi C-36, *Loi sur la protection des collectivités et des personnes victimes d'exploitation*, qui a permis de remanier les dispositions relatives à la prostitution, prévues au *Code criminel*, en réponse à la décision *Bedford* que la Cour suprême du Canada a rendue en 2013, a apporté des modifications visant à assurer une uniformité entre les nouvelles infractions relatives à la prostitution et les infractions de traite de personnes, et établi des PMO pour les infractions prévues à l'article 279.01 (de cinq ans, lorsque l'infraction comporte des voies de fait graves, une agression sexuelle grave, un enlèvement ou la mort d'une personne, et de quatre ans dans les autres cas) et aux articles 279.02 et 279.03 (respectivement de deux ans et de un an), lorsque la victime a moins de dix-huit ans.

La traite de personnes a trait au recrutement, au transport et à l'hébergement de personnes à des fins d'exploitation sexuelle ou de travaux forcés. La majorité des dossiers de traite de personnes au Canada visent des femmes canadiennes exploitées dans l'industrie du sexe.

Le Plan d'action national de lutte contre la traite de personnes, mis sur pied le 6 juin 2012 et dirigé par Sécurité publique Canada, consolide les efforts du gouvernement fédéral en matière de lutte contre la traite de personnes et vise quatre domaines prioritaires : la prévention de la traite de personnes; la protection des victimes; la poursuite des contrevenants et le travail en partenariat avec d'autres intervenants, tant à l'échelle nationale qu'internationale. Les initiatives mises de l'avant en vertu de ce plan comprennent une collaboration fédérale, provinciale et territoriale ayant permis d'élaborer et de diffuser un manuel opérationnel à l'intention des policiers et des procureurs portant sur la traite de personnes; le *Guide sur la traite des personnes à l'usage des praticiens de la justice pénale* est désormais disponible sur le site Web de Justice Canada. Ce guide s'adresse aux praticiens de la justice pénale qui mènent des enquêtes et qui intentent des poursuites dans les dossiers de traite de personnes.

PERSONNES-RESSOURCES :

Préparée par :

Nathalie Levman
Avocate,
Division de la politique en matière de droit
pénal

N° de tél. : 613-948-7420

Approuvée par :

Carole Morency
Directrice générale et avocate
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Question Period Note

**BILL C-452, AN ACT TO AMEND THE CRIMINAL CODE
(EXPLOITATION AND TRAFFICKING IN PERSONS)**

ISSUE:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)* received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

PROPOSED RESPONSE:

- Our government is aware and closely monitoring the situation in Quebec where young women have gone missing. Our thoughts and prayers are with the young women and their families.
- We take human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected. And that is why we have committed to the inquiry into missing and murdered Indigenous women and girls.
- Regrettably, the recruitment of children in need of protection from sexual exploitation and human trafficking remains a serious concern. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of exploitation, and the whole country shares the relief of parents whose daughters have been safely recovered in recent weeks.
- We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.
- While we support the principle of Bill C-452 – there are some parts which raise concerns.
- As the Attorney General of Canada, it is my responsibility to review legislation and advise the Prime Minister when a bill raises constitutional concerns or conflicts with the *Canadian Charter of Rights and Freedoms*.

- In the course of our review of the sentencing provisions of Bill C-452, we have determined that there is a real risk that the operation of the consecutive sentence requirement, together with the mandatory minimum sentence, would be off-side the Charter. These two sections, operating together, could result in sentences that would be hugely out of proportion to an offender's misconduct and the justice system's approach to other offences. This disproportionality is generally considered to be in contravention of section 12 of the Charter guarantee against cruel and unusual punishment. In other words, there is a very real risk that the bill could be unconstitutional.
- In his mandate letter, the Prime Minister asked me to carefully review changes to the *Criminal Code* brought in over the last decade with a view to determining their compliance with the Charter and consistency with our values. I take this mandate very seriously and so I will continue to take the necessary time to review the full content of the bill, to ensure that we don't enact anything that may be found unconstitutional down the road.
- I can assure you that we will be acting quickly on this very important file to address a real and important issue in our society, but we must do so responsibly – in a way that reflects our values and respects the Charter.
- As we move forward, we will look at the possibility of introducing a new bill to address this very important issue.

BACKGROUND:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, introduced by Maria Mourani (Ahuntsic – BQ), amends the *Criminal Code* to strengthen the criminal justice system's response to the crime of human trafficking. The Bill received Royal Assent on June 18, 2015, but has yet to be proclaimed into force. A number of technical steps would have to be undertaken before the Bill can be proclaimed into force.

Bill C-452 amends the *Criminal Code* to:

- Require consecutive sentencing for offenders convicted of human trafficking offences and any other offence arising out of the same event(s);
- Add a presumption that an accused is exploiting a trafficking victim if they are shown to be living with or habitually in the company of that person;
- Make a technical amendment to the French version of section 279.04 (definition of exploitation) to address a discrepancy between the English and French versions; and,
- Modify the provision that imposes a reverse onus for forfeiture of proceeds of crime for certain criminal organization and drug offences to apply to human trafficking offences.

The human trafficking offences, section 279.01 (main human trafficking offence), section 279.02 (receiving a material benefit from human trafficking) and section 279.03 (withholding or destroying documents for the purpose of facilitating human trafficking), were first enacted in 2005 and carry significant penalties of up to life imprisonment, including mandatory minimum penalties (MMPs). These provisions have been amended three times since their enactment in 2005, twice by private members' bills:

- Private Member's Bill C-268, *An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*, which was sponsored by Joy Smith (Kildonan-St. Paul) and came into force on June 29, 2010, enacted the offence of child trafficking (section 279.011). This offence is identical to the main trafficking offence (section 279.01) with the exception that it imposes higher MMPs (6 years where the offence involves aggravated assault, aggravated sexual assault, kidnapping or death and 5 years in all other cases);
- Private Member's Bill C-310, *An Act to amend the Criminal Code (trafficking in persons)*, which was also sponsored by Joy Smith and came into force on June 28, 2012, authorized the assumption of extra-territorial jurisdiction to enable the Canadian prosecution of Canadian citizens and permanent residents who commit human trafficking abroad and created an interpretive provision setting out the types of evidence that a court may take into consideration when determining whether a person has exploited another person for the purposes of the human trafficking offences;
- Bill C-36, the *Protection of Communities and Exploited Persons Act*, which overhauled Canada's *Criminal Code* prostitution offences in response to the Supreme Court of Canada's 2013 *Bedford* decision, included reforms that ensured consistency between the new prostitution offences and the human trafficking offences and imposed MMPs on section 279.01 (5 years where the offence involves aggravated assault, aggravated sexual assault, kidnapping or death and 4 years in all other cases), as well as on sections 279.02 and 279.03 (two years and one year respectively), where the victim is a person under 18 years.

Human trafficking involves the recruitment, transportation and harbouring of persons for the purpose of exploitation, typically sexual exploitation or forced labour. Most human trafficking cases in Canada involve Canadian females exploited in the sex trade.

The Federal National Action Plan on Trafficking in Persons, launched on June 6, 2012 and led by Public Safety and Emergency Preparedness Canada, consolidates federal government efforts to combat human trafficking and focuses on four core areas: the prevention of human trafficking; the protection of victims; the prosecution of offenders; and, working in partnership with others both domestically and internationally. Initiatives include federal, provincial and territorial collaboration to develop and disseminate an operational handbook for police and prosecutors in relation to human trafficking cases, the *Handbook for Criminal Justice Practitioners on Trafficking in Persons*, which is now available online on Justice Canada's website. The purpose of the Handbook is to provide criminal justice practitioners with guidance in the investigation and prosecution of human trafficking cases.

CONTACTS:

Prepared by:

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Senior General Counsel
Criminal Law Policy Section

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Pages 148 to / à 162
are withheld pursuant to sections
sont retenues en vertu des articles

69(1)(g) re (d), 69(1)(g) re (e), 69(1)(g) re (f)

of the Access to Information Act
de la Loi sur l'accès à l'information

**Pages 163 to / à 168
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(a), 23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

REPORT ON COMMITTEE HEARINGS

Name of Committee: Senate Legal and Constitutional Affairs Committee

Report prepared by: Michael Oda, Department of Justice, 613-957-4452

Date and time: February 25, 2015 4:15pm-6:15pm

Location: Room 257, East Block

Witness(es):

Bill C-452 (exploitation and trafficking in persons):

Canadian Bar Association

Tony Paisana, Executive Member, Criminal Justice Section (by teleconference)

Bill C-279 (gender identity):

Department of Justice

Eric Nielsen, Counsel, Human Rights Law Section

Overview of hearing:

In the first hour, the Committee continued its study of Bill C-452 (exploitation and trafficking in persons), and in the second hour it completed clause by clause consideration of Bill C-279 (gender identity). Mr. Paisana focused his comments on the presumption included in Bill C-452, as it is the Canadian Bar Association's position that it would not survive a constitutional challenge and should therefore be removed. With the exception of an interchange with Senator White (CPC), the discussion was largely cordial. For clause by clause consideration of Bill C-279, Senator Plett (CPC) introduced a series of amendments. Liberal Senators supported his amendments that involved removing the definition of "gender identity" from the Bill, as well as coordinating amendments relating to Bill C-13, the *Protecting Canadians from Online Crime Act*. They opposed an amendment made to clause 2, adding exemptions to the Bill for sex specific facilities within the federal jurisdiction such as shelters, bathrooms and shower facilities. That amendment was adopted on division, and the Bill was carried as amended and will be reported back to the Senate.

Highlights of hearing:

Bill C-452:

- In his opening remarks, Mr. Paisana outlined his organization's concerns with the presumption included in the Bill. The Canadian Bar Association (CBA) is of the view that it would not survive a section 1 analysis. He pointed to the decision in *R. v. Downey*, with particular focus on the dissenting opinion by Chief Justice McLachlin.
- Senator Baker (Lib.) asked about the difference in wording between the presumption in this Bill and the one included section 286.2 of the *Criminal Code*. Mr. Paisana indicated that it was the CBA's view that the prostitution bill would likely be the subject of constitutional scrutiny as well.
- Senator Baker also brought up the issue of consecutive sentences and the concerns raised by a previous witness that they would likely be struck down by the courts. Mr. Paisana

stated that the CBA had not looked into that issue, though he personally agreed that it would likely be a concern.

- Senators Dagenais (CPC) and McInnis (CPC) raised the matter of the difficulty that police and prosecutors have in laying charges and convicting individuals of the charges included in the Bill, due to reasons such as an unwillingness of victims to testify. Mr. Paisana said that because of the gravity of the charge, police and prosecutors should require more evidence, not less.
- Senator White (CPC) stated that the CBA had never supported any mandatory minimum sentences or consecutive sentencing, so he found that their appearances before committee were not very helpful. Mr. Paisana responded that just because the Government introduces them over and over does not make them any more correct.

C-279:

- Senator Plett introduced motions to amend to clauses 1, 2, 3 and 4 which removed the definition of "gender identity" from the Bill. Senator Mitchell (Lib.) agreed with these amendments, as no other identifiable groups have definitions. All of the amendments were therefore adopted unanimously.
- Senator Plett amended clause 2 a second time to include a new clause, 2.1, which exempted sex specific facilities such as washrooms, shelters and shower facilities from being required to allow access to individuals who are biologically of the opposite sex. He based the amendment on concerns raised by some witnesses that appeared before the Committee.
 - Senator Mitchell stated that he opposed the amendment because the entire point of the Bill was to avoid discrimination, while this amendment was in and of itself discriminatory. He also pointed out that it would lead to biological females who identify and appear as males being required to use women's washrooms. Senator Jaffer (Lib.) also stated her concerns with the amendment, stating that no other identifiable groups have clarifications, and echoed the view that the amendment was discriminatory.
 - A recorded vote was held on this amendment and it was carried on division with a vote of 6 to 4.
- Senator Plett introduced a second amendment to clause 4 of the Bill, adding clause 4.1 which was a coordinating amendment with relation to Bill C-13, the *Protecting Canadians from Online Crime Act*, adding some terms to identifiable groups in relation to hate propaganda. Senator Mitchell had no concerns with this amendment and it was unanimously adopted.
- Senator Plett introduced an amendment to clause 5 of the Bill as well, making the coming into force date of the Bill to be 30 days after Royal Assent with the exception of the newly added clause 4.1, which would come into force upon Royal Assent. This amendment was also adopted unanimously.
- With all of the clauses carried as amended, the title of the Bill was then carried and the Committee agreed that it would be reported back to the Senate, as amended.

Follow-up required/Next steps:

The Committee is expected to hear an additional witness then move to clause by clause consideration of Bill C-452 tomorrow, February 26th.

REPORT ON COMMITTEE HEARINGS

Name of Committee: Senate Legal and Constitutional Affairs Committee

Report prepared by: Michael Oda, Department of Justice, 613-957-4452

Date and time: February 26, 2015 10:30pm-12:30pm

Location: Room 257, East Block

Witness(es):

Panel 1:

Concertation des lutes contre l'exploitation sexuelle

Éliane Legault-Roy, Director of Communications

Clause by clause consideration:

Department of Justice

Nathalie Levman, Counsel, Criminal Law Policy Section

Matthew Taylor, Counsel, Criminal Law Policy Section

Overview of hearing:

In the first hour, the Committee continued its study on Bill C-452 (exploitation in trafficking in persons), hearing from a witness supportive of the Bill. Questions posed to the witness focused primarily on the difficulties faced by victims of the crimes targeted by the Bill in reporting the crime to police and testifying in court, and the need for funding to support their reintegration in society. The Committee then moved to clause by clause consideration of the Bill, beginning first by posing questions to the Justice officials primarily regarding concerns that had been raised by previous witnesses as to the constitutionality of the evidentiary presumption included in the Bill. During clause by clause consideration, Senator Baker (Lib.) had been advised his amendments would be found out of order, and when the Chair confirmed that he would find so as well, so no amendments were proposed. The Bill was carried on division, and will be reported back to the Senate.

Highlights of hearing:

Panel 1:

- In her opening remarks, Ms. Legault-Roy indicated her organization's support for Bill C-452. She outlined the elements of the Bill, including the evidentiary presumption, consecutive sentencing and the forfeiture of the proceeds of crime and indicated that they would all be helpful for victims. She did, however, highlight the need for awareness campaigns so that both victims and police will be abreast of the new laws.
- Senator Boivenu (CPC) asked about the obstacles faced in the justice system by victims of trafficking and exploitation. Ms. Legault-Roy pointed out that it can be difficult for these victims to be recognized within our society. She felt that although police are developing programs to help with that, there is a significant amount of work to do still.
- Senator McIntyre (CPC) asked about the overrepresentation of Aboriginal women in prostitution in Canada, and whether domestic trafficking and international trafficking shared similarities. Ms. Legault-Roy felt that there were similarities, though they were

not always recognized since Canada is such a vast country, so individuals are not being trafficked across borders as they would be in Europe, for example. She also agreed that Aboriginal women are overrepresented and later mentioned to Senator Batters (CPC) that they are often involved in the most dangerous types of prostitution.

- A number of Senators asked about what needed to be done to help support women who are re-entering society after having been trafficked or involved in prostitution. Ms. Legault-Roy indicated that there was a great need for program funding, despite the best efforts of organizations such as hers. She also suggested that it would be extremely helpful to have multiple types of resources (ie: medical, psychiatric, police) for victims all within the same facility so that the women would not need to tell their stories over and over to different groups.

Clause by clause consideration:

- Senator Batters asked Ms. Levman about the Canadian Bar Association's concerns with the reverse onus clause in the Bill. Ms. Levman pointed out that C-452 contains an evidentiary presumption, which is different from a reverse onus clause, and that an accused would only need to raise reasonable doubt in order to rebut the presumption. She also went on to describe the decision in *R. v. Downey*, and some of the reasons behind the decision. She pointed to a technical paper that the Department of Justice had prepared with regard to Bill C-36, the *Protection of Communities and Exploited Persons Act*, which would contain useful information for the Committee.
- Senator Batters also asked about the reason for using presumptions, and Ms. Levman responded that it was to recognize that victims in these relationships are vulnerable, are in a power imbalance and it is often difficult for them to testify in court.
- Senator Baker asked about the different wording using for evidentiary presumptions in different sections of the Criminal Code. Ms. Levman indicated that the elements of these offences differ; therefore the wording had to be different.
- Senator Baker posed a series of questions regarding the difference between reasonable doubt and reasonable suspicion. Mr. Taylor stated that reasonable suspicion is usually used in reference to police powers, which are used for a very short period of time.
- Senator Baker also asked for clarification as to differences between provinces in terms of the laying of charges (whether it is done by police or prosecutors). Mr. Taylor explained that although 3 jurisdictions require Crown approval, a close collaboration between police and prosecutors is important especially in serious cases such as human trafficking. He pointed out that the Department of Justice had produced a document which would be available on the Justice website regarding human trafficking and offered to share it with the Committee.

Clause 1: Carried on division

Clause 2: Carried on division

Clause 3: Carried on division

Clause 4: Carried

Clause 5: Carried

Title of the Bill: Carried

The Bill was carried on division and will be reported back to the Senate.

Follow-up required/Next steps:

None.

REPORT ON COMMITTEE HEARINGS

Name of Committee: Senate Legal and Constitutional Affairs Committee

Report prepared by: Michael Oda, Department of Justice, 613-957-4452

Date and time: February 19, 2015 10:30am-12:30pm

Location: Room 257, East Block

Witness(es):

Panel 1:

Maria Mourani, MP for Ahuntsic, sponsor of the Bill

Panel 2:

Criminal Lawyers' Association

Leo Russomanno, Member and Criminal Defence Counsel

Anne London-Weinstein, Director, Board of Directors

Montreal Police Service (SPVM)

Dominic Monchamp, Detective Sergeant

Overview of hearing:

The Committee began its study of Bill C-452 (exploitation and trafficking in persons). Ms. Mourani appeared before the Committee to introduce her Bill during the first panel. All senators were generally supportive of the goals of the Bill, however Liberal senators raised concerns that the presumption included in the Bill, as well as that mandatory consecutive sentencing could lead to the Bill being found unconstitutional. During the second panel, the witnesses from the Criminal Lawyers' Association reinforced this concern, while Detective Sergeant Monchamp indicated that the new provisions would not lead to innocent victims being charged. The focus of the meeting shifted constantly between constitutional concerns with the legislation, and the difficulties that police and prosecutors encounter when attempting to charge and convict people of human trafficking.

Highlights of hearing:

- In her introductory remarks, Ms. Mourani indicated that there were three major elements to her Bill that she wanted to highlight: The inclusion of a presumption (reverse onus of proof), the imposition of mandatory consecutive sentences, and the forfeiture of the proceeds to crime.
- Senator Boivenu (CPC), the sponsor of the Bill in the Senate, asked how the Bill would facilitate charges being laid. Ms. Mourani indicated that the presumption was the key to that, as it would allow one person testifying to cover other victims who would not do so themselves.
- Senator McInnis (CPC) asked about the necessity of the presumption, given that the courts have methods by which people can testify without having to directly face their accuser. Ms. Mourani responded that even with those techniques, victims still refused to testify out of fear or reprisals against them, or their families.

- In his opening remarks, Mr. Russomanno highlighted the two major concerns that the Criminal Lawyers' Association has with the Bill. The first is the use of mandatory consecutive sentences in concert with mandatory minimum sentences, which could offend the totality principle, in turn leading to a potentially successful section 12 challenge. The second is the presumption included in the Bill, which he felt was more overarching than other presumptions included in the Criminal Code, because it would presume both the actus reus and the mens rea. He pointed to the dissenting opinion of now-Chief Justice McLachlin in the Downey case, and the need for rational connections as reasons why it could be overturned.
- Mr. Monchamp gave his opening remarks, indicating that he did not feel that innocent people would be caught up with this legislation, and that the police would continue to need solid evidence in order to lay charges. He felt that the reverse onus would be useful, and in fact essential, in order to protect vulnerable victims. Mr. Monchamp also felt that consecutive sentences would be a positive change, as the criminal justice system can take so long that offenders don't serve much time after being convicted, due to credit for time served during the trial.
- Senator Baker (Lib.) asked about consecutive sentencing, and whether the Bill would be in line with the Kienapple principle. Ms. London-Weinstein indicated that her concern was not with consecutive sentencing, but with the fact that it was mandatory. She indicated that every case is different, so it is a good idea to give judges discretion to impose consecutive sentences only in cases where they deem it necessary.
- Senator Batters (CPC) asked whether cases for human trafficking were increasing or decreasing. Mr. Monchamp said that he didn't have statistics to back it up, but that the biggest difference now is that it is not only members of traditionally vulnerable groups that become victims, but people from all walks of life. Senator Batters also asked how often consecutive sentences are currently imposed by judges, and Mr. Monchamp indicated that he felt it was very rarely.
- Senator Baker asked again about the consecutive sentencing in the Bill, contrasting it to the other provisions in the Criminal Code that mandate consecutive sentencing, saying that in those cases it was limited to cases with a punishment other than life imprisonment. Ms. London-Weinstein agreed that that was true, and indicated that it posed a large risk.
- Senator McIntyre (CPC) asked about the forfeiture of proceeds of crime, and whether it would be an important inclusion for the police. Mr. Monchamp responded that they do it already, so he wasn't really sure what adding it in this Bill would facilitate.
- Senator Joyal (Lib.) pointed out that the letter from the Quebec Bar Association that Ms. Mourani had provided the Committee dated from before the Supreme Court's decision in the Bedford Case, whereas the Canadian Bar Association's submission was from afterwards. He pointed out that a lesser presumption was struck down in Bedford, and Bill C-452 adds a greater presumption, so in his view it represented an even greater risk of being found unconstitutional. Mr. Russomanno agreed with his analysis.

Follow-up required/Next steps:

None. The Chair indicated that the Committee may continue its study of Bill C-479 next week and also may go to clause by clause consideration of Bill C-279 (gender identity). They planned to solidify the schedule after the meeting.



Department of Justice
Canada

Ministère de la Justice
Canada

NUMERO DU DOSSIER/FILE #: 2015-005553
COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: PROTECTED B

TITRE/TITLE: Sedona Conference: Canadian Experience and Legislation on Trafficking in Persons

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- This note is to provide you with an overview of the Canadian experience on human trafficking in preparation for your participation in the Sedona Conference. Talking points are attached at Annex 1.
- Similar to other countries, it is difficult to provide accurate estimates of the full extent of human trafficking within Canada, primarily due to the clandestine nature of the crime and the reluctance of victims to come forward, which create challenges in identifying this crime.
- In June 2012, the Government of Canada launched the National Action Plan to Combat Human Trafficking, which built upon existing federal responses and commitment to address and combat human trafficking.
- On December 6, 2014, Bill C-36, the *Protection of Communities and Exploited Persons Act*, came into force. Bill C-36 reflects a fundamental paradigm shift toward the treatment of prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and children.
- The Government of Canada will continue to engage with stakeholders involved in combating human trafficking, criminal justice practitioners and experts to enhance both its domestic and international efforts to combat human trafficking and related criminal conduct.

Soumis par (secteur)/Submitted by (Sector):

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Responsable dans l'équipe du SM/Lead in the DM Team:

Sarah Geh

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Soumis au CM/Submitted to MO:



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FOR INFORMATION

2015-005553

MEMORANDUM FOR THE MINISTER

Sedona Conference: Canadian Experience and Legislation on Trafficking in Persons

ISSUE

This note is to provide you with an overview of the Canadian experience on human trafficking in preparation for your participation in the Sedona Conference. Talking points are attached at Annex 1.

BACKGROUND

Legislative Framework

Canada's criminal laws prohibit the recruitment, transportation and harbouring of persons and/or control of their movements for the purpose of exploiting their labour or services. Victims are forced to provide their services or labour under circumstances which would reasonably be expected to cause them to fear for either their own safety or that of someone known to them. The human trafficking offences capture both conduct occurring wholly within Canada as well as conduct involving the bringing of persons into Canada.

The *Criminal Code* contains six indictable offences which specifically address human trafficking: trafficking of adults (section 279.01), child trafficking (section 279.011), receiving a material benefit knowing that it derives from human trafficking (subsection 279.02(1) - adult victim and subsection 279.02(2) - child victim), and withholding or destroying documents to facilitate human trafficking (subsection 279.03(1) - adult victim and subsection 279.03(2) - child victim). Mandatory minimum penalties ranging from 1 to 6 years apply to all child trafficking offences as well as to the main human trafficking offence. The *Immigration and Refugee Protection Act* also contains a transnational human trafficking offence punishable by life imprisonment and/or a fine not exceeding \$1 million (subsection 118(1)).

Canadian Experience

Similar to other countries, it is difficult to provide accurate estimates of the full extent of human trafficking within Canada, primarily due to the clandestine nature of the crime and the reluctance of victims to come forward, which create challenges in identifying this crime. Canada has been identified as a source, destination and transit country for victims of human trafficking for the purpose of sexual exploitation and forced labour. Women represent the majority of the victims identified to date in Canada, primarily for the purpose of sexual exploitation. However, more recently, cases of human trafficking for the purpose of forced labour have come to light. Victims include foreign nationals, primarily from Asian and European countries, permanent residents and Canadian citizens. Individuals at risk of victimization more generally include persons who are socially or economically disadvantaged, such as some Aboriginal women, youth and children, migrants, new immigrants, teenage runaways, and children who are in protection.

As of January 2015, 85 human trafficking specific cases have been successfully concluded with human trafficking specific and/or related convictions (i.e., procuring, living off the avails of prostitution, forcible confinement, keeping a common bawdy house, etc.). The 85 cases involve 201 victims and 109 offenders. In addition, there are approximately 143 human trafficking specific cases currently before the courts involving approximately 214 accused and 217 victims.

National Action Plan to Combat Human Trafficking

In June 2012, the Government of Canada launched the National Action Plan to Combat Human Trafficking, which built upon existing federal responses and commitment to address and combat human trafficking under the '4 Ps' (prevention, protection, prosecution and partnerships), consistent with the United Nation's *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, to which Canada is a party. The Human Trafficking Taskforce, which is led by Public Safety Canada and is comprised of key federal departments, is responsible for overseeing the implementation of the National Action Plan and is the dedicated focal point for all federal anti-human trafficking efforts. The first is attached as Annex 2. The second annual report on progress (2013-2014) on the implementation of commitments under the National Action Plan will be released in the coming months. Recently, a Handbook for Criminal Justice Practitioners on Trafficking in Persons, developed by the Federal/Provincial/Territorial Working Group on Trafficking in Persons, was also made available online on Justice Canada's website.

CONSIDERATIONS

On December 6, 2014, Bill C-36, the *Protection of Communities and Exploited Persons Act*, came into force. Bill C-36 reflects a fundamental paradigm shift toward the treatment of prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and children. One of the reform's objectives is to reduce the incidence of human trafficking for sexual exploitation by reducing demand for sexual services through a new offence prohibiting purchasing sexual services. The new legislation is also aimed at protecting those who sell those services from exploitation, and protecting communities and children from prostitution's harms, including violence, drug-related crime, organized crime and human trafficking. To complement the new criminal law measures, the Government of Canada announced \$20 million in new funding to support programming for those who want to leave prostitution and assist victims of sexual exploitation, including victims of trafficking in persons.

CONCLUSION

The Government of Canada will continue to engage with with stakeholders involved in combating human trafficking, criminal justice practitioners and experts to enhance both its domestic and international efforts to combat human trafficking and related criminal conduct.

ANNEXES [1]

- Annex 1: Talking Points
- Annex 2: National Action Plan to Combat Human Trafficking
2012-2013 Annual Report on Progress

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Department of Justice
Canada

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Talking Points Sedona Conference: Canadian Experience on Trafficking in Persons

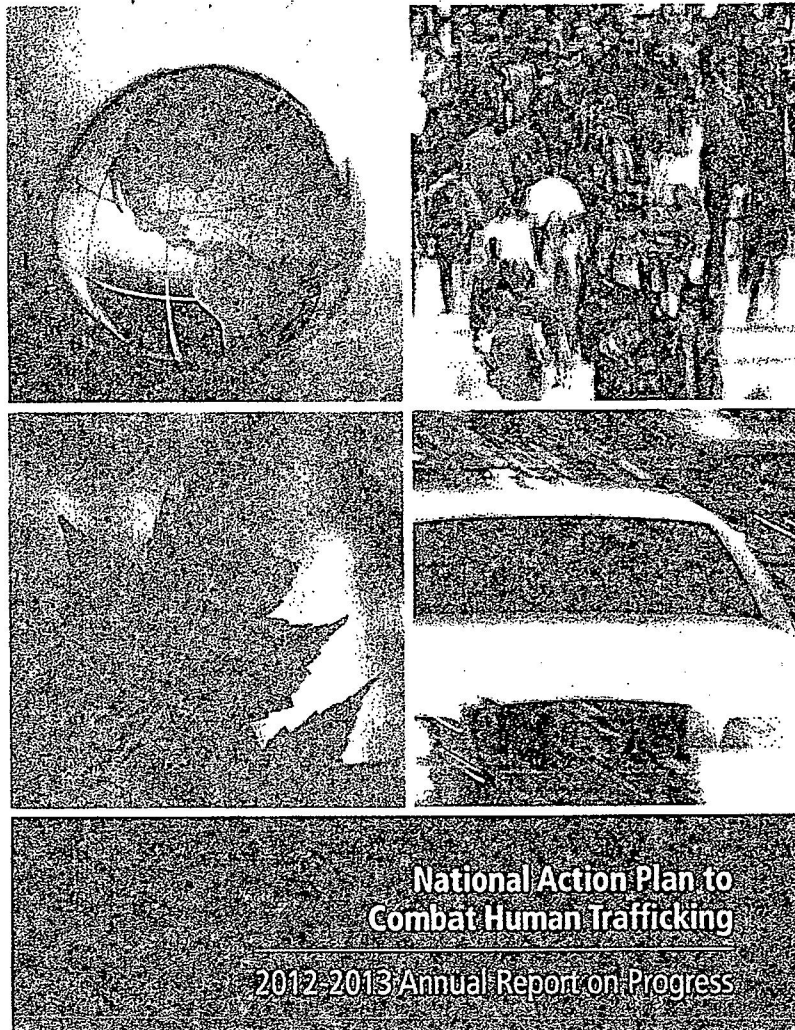
- **Canada is committed to the fight against human trafficking at home and globally and, like many other countries, focuses on a multi-pronged ('4Ps') approach to address this crime – prevention, protection, prosecution and partnership building.**
- **In June 2012, the Government of Canada launched the National Action Plan to Combat Human Trafficking, which resulted in the consolidation of existing efforts with new initiatives launched under the '4-Ps'. The National Action Plan outlines Canada's domestic and international efforts to address this crime.**
- **Canada agrees that a multi-disciplinary and collaborative response to human trafficking is critical, encompassing legislative, programming and policy measures.**

- Recent reforms to Canada's prostitution laws include a new offence prohibiting purchasing sexual services, which has been shown to reduce the incidence of human trafficking for sexual exploitation.
- The Government of Canada will continue to engage with stakeholders involved in fighting human trafficking, criminal justice practitioners and experts to enhance its efforts to combat human trafficking.

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Public Safety Sécurité publique
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Cat. No.: PS11-1/2013E-PDF
ISSN 2292-0897

Foreword

Often described as modern-day slavery, human trafficking is one of the most heinous crimes imaginable. It is a crime that represents a pervasive assault on the basic human rights of its victims, who are mostly women and children. Victims are deprived of their normal lives and compelled to provide their labour or sexual services through a variety of coercive practices, all for the direct benefit of their perpetrators.

Building on ongoing efforts to combat this crime, on June 6, 2012, the Government of Canada launched the **National Action Plan to Combat Human Trafficking** (the National Action Plan), which consolidated all federal activities into one comprehensive plan under the '4-Ps' approach: prevention, protection, prosecution and partnerships. It leveraged and built on Canada's international and domestic experience to date and outlined new initiatives in order to address this horrific crime in all its forms.

The Government of Canada views the National Action Plan as a living plan; as the crime of human trafficking evolves, so too must the Government's response. That is why, as part of the National Action Plan, the Government is committed to ongoing engagement with stakeholders and experts across the country to identify current and emerging trends; gaps, barriers and challenges; and, priority areas, with a goal of informing federal efforts now and in the future.

The enclosed report outlines the progress made on the National Action Plan commitments since it was launched in June 2012 and covers implementation to March 31, 2013. Key achievements include: online and in-person consultations with human trafficking stakeholders across Canada; a partnership with the National Association of Friendship Centres to develop a human trafficking information and awareness campaign targeting Aboriginal populations; increased outreach information specifically targeting foreign nationals and temporary foreign workers who may be vulnerable to human trafficking; launch of a youth awareness campaign through the Royal Canadian Mounted Police (RCMP); and, the issuance of negative Labour Market Opinions to businesses related to the sex trade and, at the same time, no longer processing work permit applications from temporary foreign workers destined to work for the same businesses.

While significant progress has been made over the past several months, work is not yet done. The Government of Canada will continue to strengthen its efforts as new knowledge and information about the scope and nature of this crime in Canada comes to light.

The Government looks forward to reporting on these and other activities under the National Action Plan in the next Annual Report on Progress in 2014.

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Introduction

What is Human Trafficking?

Human Trafficking involves the recruitment, transportation, harbouring and/or exercising control, direction or influence over the movement of a person in order to exploit that person, typically through sexual exploitation or forced labour. It is often described as a modern-day form of slavery. Organized criminal networks, as well as individuals perpetrate this crime, operating within countries and across borders. Traffickers reap large profits while robbing victims of their freedom, dignity, and human potential at great cost to the individual and society at large. Traffickers control their victims in various ways such as taking away their identity documents and passports, sexual abuse, threats, intimidation, physical violence, and isolation.

Victims suffer physical and/or emotional abuse and often live and work in horrific conditions. They may also face fatal consequences should they attempt to escape. This crime represents a consistent and pervasive assault on the fundamental human rights of its victims.

A set of interrelated 'push' and 'pull' factors contribute to human trafficking. 'Push' factors include extreme poverty, unemployment, lack of education, inadequate social programs, gender-based inequality, corruption, war and conflict situations, and political unrest in countries of origin. 'Pull' factors include the perceived financial rewards of cheap, exploitative labour practices in some economic sectors. Victims may also be 'pulled' into trafficking through the promise of money and what is portrayed or believed to be a better life.

The extent of human trafficking internationally (and in Canada) is difficult to assess due to the hidden nature of the crime, the reluctance of victims and witnesses to come forward to law enforcement and the difficulty of identifying victims in practice. Moreover, many cases often go unnoticed and unreported due to manipulation, fear, threats from traffickers, language barriers or mistrust of authorities.

Human Trafficking in Canada

Human trafficking for sexual exploitation continues to constitute the majority of trafficking cases faced by law enforcement across Canada, often in large urban centres, and most victims are Canadian women. However, more evidence of human trafficking for forced labour has come to light during the last two years, which often involves foreign nationals.

Human Trafficking Offences in Canada

Although the extent of human trafficking (for the purpose of sexual exploitation or forced labour) is difficult to determine, the following available statistics (to March 31, 2013) provide some context:

- 35 human trafficking convictions to date (since 2005), involving 126 victims, at least 9 of whom were under the age of 18 years; 2 of the 35 cases were trafficking for forced labour.
- Sentences for these convictions range from 1 day to 9 years imprisonment. In addition, one company was fined \$215,000.
- Approximately 80 cases are before the courts in which charges under human trafficking-specific or related *Criminal Code of Canada (CCC)* and *Immigration and Refugee Protection Act (IRPA)* offences have been laid, involving at least 128 accused and 122 victims.

Those at risk of falling victim to human trafficking continue to be members of vulnerable groups including Aboriginal females, youth and children, migrants and new immigrants, at-risk youth, runaways, and those who are socially or economically disadvantaged. However, in some cases, young girls and women who may not be considered socially or economically disadvantaged are also being manipulated into believing that they are in an exclusive romantic relationship with their traffickers as one way to maintain control over them.

In Canada this crime is as likely to be orchestrated by transnational organized criminal networks as it is by individual or family-based opportunists with little formal structure. Human trafficking for the purpose of sexual exploitation has been mostly associated with organized prostitution where the victims of human trafficking are compelled to provide sexual services. Regarding cases involving foreign national victims, suspects involved in human trafficking activities mostly operate with associates of similar ethnicity and have ethnic ties to the source countries of their victims.

Progress to Date

The Human Trafficking Taskforce (the Taskforce), which is led by Public Safety Canada (PS), is comprised of ten key federal departments¹ and is the federal body responsible for coordinating the Government of Canada's response to human trafficking. The Taskforce has replaced the Interdepartmental Working Group on Trafficking in Persons. The Taskforce responsibilities include overseeing the implementation of the National Action Plan commitments under the '4-Ps' and reporting back annually on progress to the public. On average, the Taskforce has met monthly since June 2012.

Under the Taskforce, two sub-working groups have also been established – the Prevention and Partnership sub-working group and the Prosecution and Protection sub-working group. The primary purpose of these sub-working groups is to support the Taskforce in the implementation of the National Action Plan commitments. The sub-working groups have each met at least once since they were formally established in late fall 2012.

The Government knows that the key to the long term success of the National Action Plan is communication and engagement with stakeholders and experts in Canada who play a unique and integral role in preventing and combatting this crime. To this end, and representing one of the priority 2012-13 Action Plan activities, PS conducted online and in person consultations in fall 2012 with Canadian anti-human trafficking stakeholders and experts to gather information on national and regional human trafficking trends, anti-trafficking efforts and initiatives, challenges, barriers, and gaps, and, priority issues and areas requiring more focus under the '4-Ps'. This was followed by additional consultations with stakeholders from a small fly-in community in Nunavut in spring 2013 in order to support an improved understanding of the crime as it may occur in northern Canada. Information flowing from these consultations is being used to inform future federal anti-human trafficking priorities and policies, some of which are identified in the 'Moving Forward' section found at the end of this report.

The following pages highlight the progress made to date on the implementation of the National Action Plan, covering the 10 month period from June 2012 to March 2013. A compendium of Government of Canada efforts and progress to date can be found in Annex A.

I. Prevention

The Government of Canada will support a broad-based prevention strategy focusing on awareness raising and research activities to prevent human trafficking.

Over the past several months, Canada has undertaken a number of activities focusing on prevention, including support for, and the development of, information and awareness campaigns and the creation of tools to advance practical prevention strategies in communities across the country. The Government has also developed materials to raise awareness among newcomers to Canada, including temporary foreign workers, and sought to increase public awareness of Government anti-human trafficking efforts. A full compendium of federal prevention efforts (and progress to date) can be found in Annex A.

¹ The key federal departments are PS, CBSA, RCMP, CIC, AANDC, DFAIT, SWC, JUS, HRSDC (TFWP), HRSDC (Labour Program), and CIDA. Additional departments participate on an ad hoc basis (e.g., DND, FINTRAC, PPTC, PHAC, PPSC, Stats Can).

2012-13 Key Achievements:

- Support and development of targeted human trafficking awareness campaigns (e.g., youth, Aboriginal populations, and transportation industry).
- Creation of a local safety audit tool to identify populations and places most at risk of human trafficking and related exploitation, and the continuum of prevention measures that should be considered for the development of an action plan.
- Development of enhanced information and awareness materials for newcomers to Canada (e.g., updates to "Temporary Foreign Worker: Your Rights are Protected" pamphlet).

At the fall 2012 consultations, stakeholders highlighted the need for awareness raising efforts targeting specific groups, including youth and within Aboriginal populations. Under the National Action Plan, the Government committed to developing information and awareness campaigns tailored to specific audiences as part of overall prevention efforts, focusing particularly on these two vulnerable groups. To this end, the RCMP Human Trafficking National Coordination Centre (HTNCC) 'I'm Not for Sale' youth campaign, which was developed in consultation with youth, was launched in November 2012 and distributed across the country to RCMP Human Trafficking Awareness Coordinators (HTACS), school liaison officers and community policing officers from various organizations upon request. The toolkit contains a variety of awareness materials and tools to assist youth, parents and teachers to better understand this crime.

To enhance awareness and education within Aboriginal populations, the RCMP HTNCC conducted a mass distribution of the 'I'm Not for Sale' campaign to Aboriginal communities and groups throughout Canada in 2011 and continued to distribute the toolkits over the past year. In 2012, approximately 140 toolkits were distributed to the National Association of Friendship Centres across Canada and to date approximately 2,000 toolkits, and 767 Aboriginal specific posters have been disseminated. The RCMP HTNCC will continue to work with the HTACs, RCMP Aboriginal Liaison Officers and RCMP National Aboriginal Policing Services to increase awareness among Aboriginal populations.

In December 2012, in collaboration with Aboriginal Affairs and Northern Development Canada (AANDC), PS entered into a partnership with the National Association of Friendship Centres for the development of a national awareness campaign on the domestic sex trafficking of Aboriginal peoples living on and off reserve and in rural, urban and northern communities, in order to help prevent victimization. It is anticipated that this campaign will be launched in fall 2013.

To aid in the identification of populations and places most at risk, a local safety audit tool, which places particular emphasis on the vulnerability of Aboriginal women and girls, has been developed by PS to guide public sector and civil society stakeholders to assess the nature and scope of trafficking and related exploitation, and to develop an action plan tailored to their specific local context. This tool will be piloted in three communities in Canada as part of a recent Status of Women Canada (SWC) call for proposals focusing on reducing gender-based violence.

An issue of concern raised by stakeholders during the fall consultations focused on the potential vulnerability of temporary foreign workers to human trafficking and exploitation and the need to raise awareness within this group. Under the National Action Plan, the Government of Canada committed to a number of awareness efforts targeting those who are coming to Canada to work (e.g., temporary

foreign workers, international students who have a work permit). Over the past year, materials have been developed for temporary foreign workers, employers, third parties and Service Canada officers. For example, the 'Temporary Foreign Worker: Your Rights are Protected' pamphlet is available in hardcopy and on the Citizenship and Immigration Canada (CIC) website in multiple languages. It provides information about temporary foreign workers' rights, labour exploitation, in particular on human trafficking, and also contact numbers and resource websites. It has been disseminated both electronically and in thousands of hardcopies to selected missions abroad, including Canada's embassies in Mexico, Russia, China and the Philippines. The Temporary Foreign Worker Program (TFWP) website has been updated and includes new webpages for the Live-in Caregiver Program, the Agricultural Stream, and the Seasonal Agricultural Workers Program, and provides guidelines and clarifies program requirements. The TFWP Employer Compliance pamphlet is also available online and provides information to employers on how to comply with program requirements and the *Immigration and Refugee Protection Act and Regulations*.

To further raise awareness about human trafficking internationally, the National Action Plan, related press releases, media lines and additional information, were shared by the Department of Foreign Affairs and International Trade (DFAIT) with all of Canada's missions around the globe. CIC has also made available external online training opportunities to its overseas immigration officers that may be useful should staff encounter instances of human trafficking. CIC continues to examine how best to incorporate human trafficking training into ongoing training for its operational staff abroad.

The Canadian International Development Agency (CIDA) has supported the prevention of human trafficking and the protection of the most vulnerable in developing countries and regions around the globe. This includes supporting projects to prevent the trafficking of children, capacity-building exercises for government and non-government actors, education and training programs to reduce vulnerabilities, as well as long term institutional support to multi-lateral organizations such as the United Nations Children's Fund (UNICEF), the United Nations Development Program (UNDP), the United Nations High Commission for Refugees (UNHCR) and the International Organization for Migration (IOM) for global initiatives.

Key CIDA Achievements:

- As part of its Children and Youth Strategy, CIDA's work focuses on preventing and addressing child sexual exploitation and some of the other worst forms of child labour. For example, in the tourist center of Cartagena in Colombia, 466 girl and boy victims have been identified, 52.6% of which (245) have been referred to the Drop-In and Development Shelters. Ninety families benefited from support to parenting models that protect against commercial sexual exploitation of children.
- In Costa Rica, CIDA has supported the mapping of high-risk locations for child sex tourism, as children are often trafficked for the purpose of sexual exploitation. The project has also produced the profiles of offenders and victims, and involves work with the formal and informal tourism sector, families and communities to address this crime. It also supports raising awareness in the Canadian public on the issue and supports better law enforcement collaboration for the prosecution of Canadian sex offenders travelling to Costa Rica.
- Labour trafficking in China has also been curbed thanks to CIDA's support to a project which enhanced women's and children's awareness of the issue and their ability to protect

themselves against human trafficking. Life skills training was conducted in 95 schools across six provinces, benefiting nearly 100,000 students. In addition, 114 women's homes across the country provided migration and social services to women migrant workers.

Above and beyond these and other efforts initially identified in the National Action Plan, and as a reflection of its commitment to combat this crime, the Government explored and undertook further prevention and awareness raising efforts over the past several months.

To support increased awareness, information sharing and transparency with respect to Government anti-human trafficking efforts, two national newsletters were launched in October 2012. 'Canada's Anti-Human Trafficking Newsletter', which will be released up to three times yearly by PS, includes updates on federal efforts as well as highlights the work of stakeholders in the different regions. It provides information on upcoming training and events, identifies new research activities and provides an overview of the important work being done across Canada to combat this issue. The RCMP HTNCC's 'Fast Facts' is a quarterly newsletter that includes human trafficking information related to law enforcement initiatives and activities, statistics, feature cases, training opportunities for law enforcement, best practices and regional features among others.²

Under the Contribution Program to Combat Child Sexual Exploitation and Human Trafficking, the Government extended its partnership with Persons Against the Crime of Trafficking in Humans (PACT-Ottawa) to expand the scope of the *TruckSTOP* campaign in order to deliver it in other regions in Canada (i.e., British Columbia, Alberta, Saskatchewan and Manitoba) as well as the distribution of French campaign materials in Quebec and New Brunswick. Canada also entered into a new partnership with the British Columbia Office to Combat Trafficking in Persons (BC OCTIP) to support the development of a French version of its online training program, 'Human Trafficking: Canada is Not Immune' so that it is available nationally to service providers and first responders in their official language of choice. Both of these initiatives received positive feedback from stakeholders during the consultations, with the *TruckSTOP* campaign identified as a promising practice in the prevention of human trafficking. The Government of Canada is pleased to be supporting these two valuable initiatives.

The Government has also enhanced information for newcomers, by including information on human trafficking in the updated 'Welcome to Canada' guide developed by CIC. This guide, which is designed to assist immigrants as they settle in Canada, includes sections on the country's laws and criminal justice system and on the rights to which all newcomers to Canada are entitled.

The Government of Canada will continue to build upon these initiatives and other prevention efforts already in place as new information on human trafficking in Canada becomes available, including information flowing out of ongoing engagement activities with partners and anti-trafficking stakeholders across the country.

² Canada's Anti-Trafficking Newsletter is available online in English (<http://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/index-eng.aspx>) and French (<http://www.securitepublique.gc.ca/cnt/cntrng-crm/hmn-trffckng/rsrccs-fra.aspx>). The RCMP's 'Fast Facts' is only available via e-mail distribution and requests for the newsletter can be sent to htncc-cnctp@grc.gc.ca.

II. Protection and Assistance for Victims

The Government of Canada will continue to assist all victims of crime, including trafficking victims; to work with the provinces and territories to deliver services responsive to the needs of trafficking victims; and to promote greater understanding of the needs of trafficked persons with a view to promoting their physical, psychological and social recovery.

The protection of trafficking victims encompasses a whole range of factors – from the earliest possible identification to ensure their safety and separation from their traffickers and then access to services and supports to address their immediate needs and to facilitate their successful (re)integration into society. International victims may also require additional support, including for instance, some form of immigration status, such as through a Temporary Resident Permit (TRP), which provides a victim access to the Interim Federal Health Program and the ability to apply for a work permit.

CIC began issuing Temporary Resident Permits (TRPs) to potential victims of human trafficking in May 2006. Here are statistics covering the period of May 2006 to the end of December 2012:^{*}

- 212 TRPs were issues to 89 foreign nationals (includes subsequent permits to the same victim to maintain legal status in Canada).
- 24 of these victims were male and 62 were female; 3 were minor dependents of adult victims
- 64 were victims of trafficking for labour exploitation; 18 were victim of trafficking for sexual exploitation; 3 suffered combined labour and sexual exploitation, 1 reported another kind of abuse; and 3 were minor dependents of adult victims.
- Countries of birth included: Thailand (30); the Philippines (12); Moldova (10); Mexico (9); Hungary (8); Other (20).

In 2012*, a total of 26 TRPs (13 initial and 13 subsequent were issued to 24 victims).³

Federally, a number of efforts have been undertaken over the past several months to enhance the protection of and assistance to those victimized by human trafficking. This includes initiating a variety of efforts to enhance protections for both Canadian and foreign nationals who may be vulnerable to this crime, and working with partners to develop resources and provide training to front line service providers on how to identify and best respond to the needs of victims. A compendium of federal victim protection and assistance efforts can be found in Annex A.

³ *Note on data* - These numbers are subject to change, as final data for 2012 is still being gathered. It is important to note that this data does not include the number of trafficking victims who are Canadian citizens or permanent residents. Furthermore, data limitations do not permit a breakdown of the number of victims of human trafficking who may have chosen to pursue other immigration options, such as applying for refugee protection or permanent residence for humanitarian and compassionate reasons. Source: Citizenship and Immigration Canada, Victims of Trafficking in Persons Case Monitoring as of May 16, 2013.

2012-13 Key Achievements:

- Issuance of negative Labour Market Opinions for all applications from employers linked to the sex trade and no longer processing work permit applications for temporary foreign workers intending to work for sex-trade related businesses.
- Enhanced authority in relation to the Temporary Foreign Worker Program as a result of amendments to *IRPA*.

Recent amendments to *IRPA* that came into force through the *Budget Implementation Act* (2012) will also provide HRSDC enhanced inspection powers in relation to the Temporary Foreign Worker Program. In particular, the *IRPA* amendments allow HRSDC to set conditions on employers, undertake inspections and impose consequences on non-compliant employers.

To improve monitoring and enforcement within the International Student Program, CIC has been working with provincial and territorial ministries of education and immigration on proposed regulatory amendments that would, among others, strengthen the role of the provinces and territories in the management of the program, including the selection of institutions that host international students; and ensure study permit holders are in fact pursuing studies after their arrival. The proposed amendments were pre-published in the Canadian Gazette in December 2012, with formal consultations taking place in the first two months of 2013. It is anticipated that the new regulations will come into force in 2014.

To support the identification of possible victims of human trafficking at our borders, the human trafficking module within the Canada Border Services Agency (CBSA) Port of Entry Recruitment Training program has been reviewed and updated as has the human trafficking e-learning module, which all new and existing Border Service Officers must complete. Ongoing updates to training content will occur as required following amendments to legislation and policies.

Further, CBSA has been working with the RCMP and PS to develop and make outreach information available to foreign nationals who may be vulnerable to human trafficking. To this end, CBSA has developed a pamphlet that will be provided after Primary Inspection Line within identified areas at all ports of entry. It is anticipated that this will be distributed in the next few months.

In September 2012, Canada imposed visa requirements on several countries in order to address irregular migration concerns, including human trafficking. When deciding whether to lift or impose visa requirements, CIC considers, among other factors, whether the country has been a significant source country for human trafficking. As part of its commitment to address human trafficking, CIC continues to monitor its policies related to human trafficking to ensure their effectiveness in addressing the crime and protecting victims.

Women and girls remain the most likely to be victims of human trafficking for the purpose of sexual exploitation and to this end, the Government has sought to invest in initiatives to address violence against women and girls. In fall 2012, SWC launched a call for proposals on the issue of reducing gender-based violence. One of the four thematic areas under this call was preventing and reducing the trafficking of women and girls for the purpose of sexual exploitation through community planning. Approved projects will pilot the local safety audit guide developed by PS as part of prevention activities.

The RCMP continues to update its contact list of victim service providers and non-governmental organizations that can meet the needs of victims of human trafficking. This list, which is shared only with law enforcement upon request, assists police when working with victims, particularly as it pertains to referrals for supports and services.

Finally, Justice Canada (JUS) is in discussions with the Federal-Provincial-Territorial Victims of Crime Working Group to explore the possible development of a set of guidelines or basic principles regarding the treatment of and provision of services to victims of human trafficking.

The Government of Canada remains committed to supporting and protecting victims of human trafficking and will continue to build upon these initiatives and other efforts over the coming months and years.

III. Detection, Investigation and Prosecution of Traffickers

The Government of Canada will build on current efforts to bring traffickers to justice and to strengthen the criminal justice system's responses to this crime.

Recent Cases:

- **June 2012** - Three Ottawa teen girls face multiple charges, including human trafficking, sexual assault, robbery and making child pornography, after allegedly forcing others as young as 13 years old into prostitution.
- **August 2012** - A court decision was rendered following the lengthy trial of Iman Hosseini, who had been charged with three counts of procuring, one charge of assault causing bodily harm and one count of human trafficking. The judge found Hosseini guilty in a long and elaborate ruling on all counts.
- **November 2012** - Csilla YIT was charged with human trafficking and employing foreign national offences contrary to the CCC and IRPA in relation to a case involving three victims.

Since the launch of the National Action Plan progress has been made to enhance efforts to better detect and investigate cases of human trafficking and to bring perpetrators of this crime to justice. Cases of human trafficking (for sexual exploitation and forced labour) are being more frequently identified, and more charges are being laid. This is due in part to awareness and training efforts across all sectors, including within the criminal justice system (i.e., police, prosecutors and judges), intelligence and information sharing and the concerted efforts of law enforcement across the various jurisdictions. A compendium of federal activities to support detection, investigation and prosecution of traffickers is found at Annex A.

2012-13 Key Achievements

- Targeted human trafficking training and education for approximately 2,528 law enforcement, border and immigration officials, and prosecutors.
- Targeted awareness sessions for provincial labour inspectors and other labour officials.
- Enhanced intelligence collection, coordination and collaboration.

In 2012, the RCMP continued to organize human trafficking workshops and/or training and awareness sessions involving an integrated training approach for frontline, investigator and intelligence officers, border and immigration officials and prosecutors. The training focused on both domestic and international cases of human trafficking, reflecting an appreciation of the importance of addressing this crime, regardless of how or where it occurs. Between January –March 2013, the HTNCC and HTACs delivered these sessions to approximately 1,781 law enforcement officers, prosecutors, government employees, members of civil society and youth. Since 2006, approximately 52,100 law enforcement, government and non-governmental organizations (NGOs), and youth have received training and awareness from the RCMP HTNCC and HTACs.

The RCMP also partnered with HRSDC (Labour Program) to raise awareness on human trafficking for forced labour among provincial labour inspectors and other labour officials, including information about indicators of human trafficking, industries at risk, and possible areas of cooperation between federal, provincial, territorial labour officials, law enforcement and other implicated parties. Since foreign workers are potentially vulnerable to human trafficking, raising awareness among front line labour inspectors may help mitigate the risk and identify potential victims. In 2011-12, awareness sessions were delivered in the provinces of Ontario and Quebec and it is estimated that approximately 300 labor officials have benefitted from these sessions since they began in 2010-11, and as a result, tips related to potential forced labour cases are being reported to authorities.

To support investigations and prosecutions, the RCMP identified four RCMP members to be trained as subject matter experts on human trafficking in order to be available to provide expert testimony (if qualified as expert witnesses) in criminal proceedings where human trafficking is alleged. The four members attended the first expert witness workshop in March 2012. The RCMP continues to expand the number of experts in all fields as required.

In addition, over the past year, the RCMP has been working to develop their National Strategy to Combat Human Trafficking (the Strategy), which outlines current and future federal law enforcement efforts in combating this crime. The priorities identified in the Strategy were derived from consultations with key stakeholders across the country, the RCMP National Threat Assessment (2010) and recommendations flowing out of the National Human Trafficking Conference held in March 2011. The purpose of the Strategy is to reduce the prevalence of, and harms caused by human trafficking in Canada and abroad.

To enhance intelligence, the RCMP HTNCC is working on a new threat assessment, 'Project SAFEKEEPING' on domestic human trafficking for sexual exploitation. This threat assessment is expected to be completed by end of spring 2013 and will be publically available in fall 2013. Information from this and the 2010 Threat Assessment is being used to identify the location of the RCMP Dedicated Integrated Human Trafficking Enforcement Team, which is on track to be established within its original 18-month timeline.

The RCMP HTNCC is currently in the process of developing an investigator's guidebook for Canadian law enforcement, which includes information on the identification and protection of victims and useful tips for interviewing human trafficking victims. It is expected that this guidebook will be finalized in fall 2013/winter 2014. An operational handbook for police and prosecutors to assist them in responding to this crime is also in development by JUS and partners and is expected to be completed in 2013-14.

As an example of collaboration and cooperation to support human trafficking related investigations, over the past year the Financial Transaction and Reports Analysis Centre of Canada (FINTRAC) has provided financial intelligence to law enforcement when there was reasonable grounds to suspect that it would be relevant to investigating or prosecuting a money laundering offence related to human trafficking.

As another example of collaboration between agencies, since the inception of the National Action Plan, Passport Canada (PPTC) has been tracking its activities as they relate to human trafficking and of the four identified cases associated with human trafficking, all resulted in the revocation of passports to individuals charged with human trafficking offences.

On June 28, 2012, Private Member's Bill C-310, which was supported by the Government, received Royal Assent. This Bill amended the CCC to create a new section 7(4.11), which enables the Canadian prosecution of Canadian citizens or permanent residents who commit, outside of Canada, any of the specific CCC trafficking in persons offences. The Bill also enacted an interpretive provision to help clarify the meaning of 'exploitation' as defined in s. 279.04.

Additionally, amendments to the IRPA, which came into force on December 15, 2012, make explicit that "endangering the life or safety of any person" during the commission of a number of offences, including human trafficking (s. 118 of IRPA), as an aggravating factor for sentencing purposes.

Progress has been made over the past months to support the detection, investigation and prosecution of human trafficking in Canada and the Government will continue to build on federal efforts to this end as it seeks to rescue those who are victimized and punish those who perpetrate this horrific crime.

IV. Partnership and Knowledge

The Government of Canada will strengthen its relationship with relevant stakeholders to facilitate the ongoing development of effective policies and tools, to ensure a comprehensive and coordinated approach; and work to improve its ability to collect, track and report on data related to human trafficking in order to enhance knowledge and adapt our response appropriately, both domestically and on the international stage.

Federally, Canada continues to recognize the importance of partnerships both inside and outside of government and the critical role that the various stakeholders play in combatting this crime. The Government also understands the importance of a strong knowledge base informed by relevant and current research into the nature and scope of this constantly evolving crime in order to implement effective and appropriate policy responses.

Over the past several months, the Government has undertaken activities to enhance engagement and to promote partnerships; improve its understanding of this crime in Canada, and to support capacity-building at an international level. Canada has also strived to increase its knowledge of human trafficking in Canada through research and data collection on the issue. A compendium of federal activities to support partnerships and knowledge development is found at Annex A.

2012-13 Key Achievements

- Enhanced engagement and collaboration with civil society, including Aboriginal organization, and all levels of government to support knowledge exchange, strengthen partnerships and inform policy responses.
- Support for capacity-building and anti-trafficking efforts internationally.
- Research to increase knowledge on forced labour as an emerging issue in Canada.

As an example of the Government of Canada's commitment to work with partners, PS conducted an online consultation with stakeholders in fall 2012. The findings from this online consultation were then used to inform a series of five regional roundtables (Halifax, Montreal, Toronto, Winnipeg, and Edmonton).⁴ These were followed in March 2013 by meetings with stakeholders and individuals in a small fly-in community in Nunavut in recognition of the fact that human trafficking in northern Canada may be different than that in the southern provinces.

The purpose of these consultations was to gather information on national and regional human trafficking trends, anti-trafficking efforts and initiatives, challenges, barriers, and gaps, and, priority issues and areas requiring more focus with a goal of informing future federal anti-trafficking priorities under the National Action Plan. Representatives from civil society, non-governmental organizations, victim service providers, law enforcement, provincial/territorial ministries and academia, as well as survivors took part in the consultation process.

Since its inception, the Human Trafficking Taskforce has regularly invited Canadian organizations involved in anti-human trafficking efforts to attend its monthly meetings to present on their work and participate in discussions. This not only supports transparency as to the work being undertaken by the Taskforce, but also provides the Taskforce with the opportunity to gain a better understanding of the organizations and work being done by partners across the country.

The Government has also sought to enhance engagement with Provincial-Territorial partners through the implementation of regular quarterly conference calls – one focusing on human trafficking generally and another focusing on labour trafficking specifically. The decision to have a targeted call focused solely on labour trafficking stems from recognition of the emerging nature of this issue in Canada and a limited knowledge-base in comparison to human trafficking for sexual exploitation. Overall, these calls provide Federal-Provincial-Territorial stakeholders with opportunities to share best practices and to share tools being developed to address human trafficking.

To increase understanding of the nature and scope of human trafficking for forced labour, the Government conducted a research study focusing on the various stakeholders involved and the investigative methods used in the identification of this particular form of human trafficking. Stakeholders have identified the need for research on this issue and this initial report, which will be made public in the coming months, serves as a take off point for future additional research on the issue in Canada.

⁴ The online survey was sent out to over 200 groups and individuals across the country and approximately 75-80 responses were received. A similar number of stakeholders also took part in the face-to-face consultations that followed.

To enhance civil society understanding of human trafficking; strengthen relationships and support the identification of victims, the RCMP continued to invite representatives from NGOs to attend its human trafficking awareness workshops for frontline, investigator and intelligence officers, border and immigration officials and prosecutors.⁵ As stakeholders at the recent roundtables highlighted the need to raise awareness among the public in general to support efforts, the work of the RCMP HTNCC and HTACS in this regard is extremely valuable.

At the international level, Canada is active in exchanging intelligence, awareness and best practices among the international law enforcement community. In October 2012, the RCMP assisted the Interpol Task Force on Human Trafficking in Burkina Faso, West Africa by providing training to local police, customs and forestry officers to prepare them for a project targeting individuals trafficking children to work in illegally operated gold mines. As a result of this law enforcement operation, 387 children were rescued and returned to their families or taken into care by social service agencies and 73 individuals were arrested in connection to child trafficking and labour offences.

In 2012-13, Canada participated in a number of multi-lateral events to support global anti-trafficking efforts and promote its domestic achievements abroad, including:

- Organization for Security Cooperation in Europe
- UNODC Conference of the Parties
- Organization for American States
- Regional Conference on Migration
- Bali Process

To support promoting the implementation of the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* worldwide, JUS worked with the United Nations Office on Drugs and Crime (UNODC) to develop an issue paper entitled, 'Abuse of a Position of Authority and Other Means with the Definition of Trafficking in Persons', which was released in October 2012. The paper provides guidance on the concept of abuse of a position of vulnerability and will assist policy makers in the implementation of criminal laws against human trafficking.

DFAIT programs are also active internationally, especially in the Americas. Through the Global Peace and Security Fund (GPSF), work was done with UNICEF in Guatemala to improve detection of cases and access to justice for child victims of violence, namely through the creation of units specialised in sexual crime and in human trafficking within both the National Civil Police and the Public Ministry. In El Salvador, DFAIT, through the GPSF, also partnered with the IOM to reinforce the first-line security and care services offered by the government of El Salvador to returning migrants, victims of human trafficking and their families. The GPSF also worked with the Salvadoran Institute for the Development of Women to build a shelter where women victims of human trafficking have access to protection, care and justice services in a safe environment.

Further, DFAIT's Anti-Crime Capacity Building Program provides project funding to multilateral organizations such as the UNODC and the IOM, for technical assistance and training for local officials in an effort to build capacity to combat human trafficking. Current efforts are ongoing in Central America and focus on enhancing investigative and prosecution capabilities and updating legislation.

⁵ See p. 12 for information on the number of stakeholders that have received this training.

Through CIDA-funded projects, the RCMP's National Child Exploitation Coordination Center works with law enforcement counterparts in Brazil, Costa Rica and Thailand to reduce the incidence of child trafficking for the purpose of sexual exploitation and to improve communications in support of the effective prosecution of Canadian travelling child sex offenders, as children in these vulnerable situations may have been trafficked.

Above and beyond, officials from PS and the RCMP are participating in a National Human Trafficking Taskforce focused on the trafficking of women and girls for the purpose of sexual exploitation, which is being led by the Canadian Women's Foundation. The Taskforce is focusing on the development of a national strategy that will address a number of priorities including service needs and gaps for trafficked women and girls, public awareness and prevention, legal and policy issues, capacity building and training among others.

Moving Forward

Over the coming year(s), the Government of Canada will continue to implement and build upon the many efforts identified in the National Action Plan to combat human trafficking under the '4-Ps'. These efforts will be informed by an ongoing commitment to engage and consult with experts and stakeholders across the country, including those from civil society and different levels of government, in recognition of their important role in addressing this crime.

The recent stakeholder consultations provided valuable information, highlighting potential opportunities for future federal efforts and actions. Some key trends and themes flowing out of the consultations included the identification of labour trafficking as an emerging issue in Canada and ongoing concerns surrounding the potential vulnerability of temporary foreign workers and newcomers to victimization, the vulnerability of some individuals within Aboriginal populations to falling victim to this crime, the continued need for both general and more targeted awareness on human trafficking as part of prevention efforts, and an improved understanding of the increased use of online technology by traffickers. Additional highlights include the importance of partnerships in addressing this crime and the need to ensure that the necessary supports and services are in place so that victims of human trafficking are able to heal and recover from their ordeal.⁶

The Government is considering many of the issues highlighted above and is also moving forward in a number of ways in 2013-14 informed by the recent consultations. The following efforts represent those originally committed to in the National Action Plan for 2013-14 as well as other new activities to be undertaken federally. These are in addition to the many ongoing federal activities to combat human trafficking.

Prevention

To enhance training for front-line service providers, the Government is partnering with the BC OCTIP to update its online training "Human Trafficking: Canada is Not Immune" to ensure that, two years in, it continues to be a relevant and useful tool to stakeholders across the country. This will include the

⁶ Additional highlights can be found in the National Summary Report, which is available online at: <http://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/index-eng.aspx>.

identification of key provincial/ territorial stakeholders and service providers, which can be utilized to better support victims.

The RCMP HTNCC will continue to distribute its general human trafficking "I'm Not for Sale" awareness material to various audiences (i.e., the public, NGOs, law enforcement and government agencies) across the country as well as the youth version of this campaign, to educate and inform on the issue. In addition, in 2013 the RCMP HTNCC will also be participating in the development of an RCMP Youth Strategy, which will explore various outreach initiatives among youth.

To build on education and awareness materials developed to date within the context of Canada's TFWP, HRSDC will be developing other awareness products specifically targeting employers as a means to increase understanding of this issue and support the prevention of this crime.

Protection and Assistance for Victims

To support protection and assistance for victims, as of April 1, 2013, the Victim's Fund at Justice Canada has designated up to \$500,000 annually for projects specifically targeting services for victim of human trafficking.

To enhance the identification of potential victims of human trafficking, the Government of Canada will also explore opportunities to work with the provinces/territories to develop training and education opportunities with Provincial Employment Standards or Occupational Health and Safety officers, Fire and Building Code Inspectors in recognition of the fact that these front line workers may come in contact with potential instances of human trafficking in the course of their work.

Detection, Investigation and Prosecution

To enhance Canada's ability to detect potential cases of labour exploitation and human trafficking, over the coming year HRSDC will explore developing a predictive risk model to identify high-risk employers. This is in addition to HRSDC's continued work to update and develop improvements to the TFWP Foreign Worker System, including new methods of automation and intelligence management.

Partnerships and Knowledge

Recognizing the important role that anti-human trafficking experts and stakeholders in Canada have in combatting this crime, the Government will also continue to engage with organizations, groups and individuals via a variety of means, which includes planning for a national forum in fall 2013/winter 2014.

Further to this and flowing out of stakeholder identification of the potential of some industries to create situations of vulnerability to human trafficking and the need to bring the private sector to the table, the Government will explore ways to expand the conversation to include these groups as well as ways to engage, whether through awareness raising or as partners in specific anti-human trafficking initiatives, unexpected or unconventional partners.

To enhance information sharing and knowledge development, HRSDC will, continue to make updates and improvements to the TFWP data available online through:

http://www.hrsdc.gc.ca/eng/jobs/foreign_workers.

To support the work of Canada's international partners to prevent and combat human trafficking, CIDA⁷ will support capacity building within law enforcement in developing countries to protect children and youth, especially girls, from violence, exploitation and abuse and human trafficking.

As a means to enhance data collection and available statistics on human trafficking, the Canadian Centre for Justice Statistics at Statistics Canada is exploring the possibility of adding questions on human trafficking to the 2014 cycle of the Transition Home Survey. This would include collecting data on the number of female victims who access the shelter system.

To continue to build our knowledge base on labour trafficking as an emerging issue in Canada, PS will conduct research in order to better understand how to uncover, recognize, investigate and prosecute instances of labour trafficking. In addition, PS also seeks to conduct further research on human trafficking within Aboriginal populations, in recognition that there is still much to learn about the manifestation of this crime within this particular population.

Conclusion

There have been many accomplishments over the past year but more needs to be done. The Government of Canada will continue to look for ways to prevent human trafficking through effective and targeted awareness and intervention, to protect and meet the needs of victims and to prosecute offenders, but we cannot do it alone. The Government looks forward to continued collaboration with the many experts and stakeholders at home and abroad to combat this crime.

⁷ On June 26, 2013, the amalgamation of the Canadian International Development Agency (CIDA) and the Department of Foreign Affairs and International Trade (DFAIT) was formalized and the new Department of Foreign Affairs, Trade and Development (DFATD) was created. In 2013, Human Resources and Skills Development Canada (HRSDC) was also renamed Employment and Social Development Canada (ESDC).

ANNEX A

Action Items Chart

PREVENTION

Objective 1.1: The Government of Canada will support a broad-based prevention strategy focusing on awareness raising and research activities to prevent human trafficking.

Task	Deliverable	Timeline	Status	Lead
1.11 Support and develop human trafficking information and awareness campaigns.	Promote online training tool launched by the BC Office to Combat Trafficking in Persons.	Start: 2012/13	Ongoing	PS, JUS
	Through a dedicated contribution program support:			PS
	• Persons Against the Crime of Trafficking in Humans (PACT – Ottawa) to launch TruckStop awareness campaign	Start: 2011-12	Complete	
	• NASHI: Our Children to hold a 2-day youth forum on human trafficking	2011-12	Complete	
	• NEW: PS extended its partnership with PACT- Ottawa to expand the scope of the “TruckSTOP Campaign” (e.g., to include western and eastern Canada)	2012/13	In progress	
	Roll out mass distribution of the “I’m Not for Sale” toolkits to all First Nations territories, Inuit communities and Metis settlements.	Start: 2012/13	Complete	RCMP
	Develop and launch the “I’m Not for Sale” youth campaign which includes a youth toolkit. NEW: Develop an RCMP Youth Strategy, which will explore various outreach initiatives among young people.	Start: 2012/13 2013/14	Complete On track for fall 2013	RCMP
	Disseminate awareness materials at Canadian Embassies and High Commissions abroad.	Start: 2012/13	Ongoing	DFAIT, CBSA, HRSDC (TFWP)
	Increase awareness among Aboriginal men, women, boys and girls in regards to trafficking. NEW: The National Association of Friendship Centres to develop and deliver a national public awareness campaign related to the human trafficking of Aboriginal peoples.	Start: 2012/13	On track for winter 2014	PS, AANDC
	Provide information on the circumstances that result in the trafficking of Aboriginal women and youth.	Start: 2011/12	Complete	PS, AANDC
	Provide links to other government department websites, immigration programs and human trafficking awareness materials on DFAIT and Embassy websites.	Start: 2012/13	Ongoing	DFAIT
	Enhance information and awareness materials related to the Temporary Foreign Worker Program (TFWP), including: - update Temporary Foreign Worker Program website; - update and disseminate the “Your Rights are Protected” pamphlet for temporary foreign workers; and, - develop new awareness products for employers, third	Start: 2012/13	Complete Complete Ongoing	HRSDC (TFWP)

Task	Deliverable	Timeline	Status	Lead
	parties and Service Canada Officers.			
	Make information available to anyone with a work permit, such as Temporary Foreign Workers and international students, indicating where they can seek assistance on issues related to employment and health and safety.	Start: 2012/13	Ongoing	CIC, HRSDC (TFWP)
	Provide information on the temporary resident permit (TRP) to foreign national victims of human trafficking as well as information of the employment rights of Temporary Foreign Workers on the CIC website.	Start: 2012/13	Ongoing	CIC
	Incorporate human trafficking training for overseas immigration officers.	Start: 2012/13	Ongoing	CIC
1.12 Support human trafficking prevention and intervention efforts which advance practical prevention strategies in communities across Canada.	Develop a diagnostic tool designed for use at the local level to identify populations and places most at risk of human trafficking (and related issues); relevant resources and sources of information, and an inventory of prevention practices.	Start: 2011/12	Complete	PS
1.13 Enhance awareness of Government anti-human trafficking efforts.	Provide up-to-date information on Government anti-human trafficking efforts (e.g., periodic reports, legislative updates, resources, news and events) online. NEW: Develop and launch 'Canada's National Anti-Human Trafficking Newsletter' (released up to three times annually) NEW: Develop and launch RCMP's 'Fast Facts'	Start: 2012/13 2012/13 2012/13	Ongoing	PS, RCMP, (in collaboration with the Human Trafficking Taskforce)
	Provide information on human trafficking from the "I'm Not for Sale" toolkits and Quick Facts on RCMP website (e.g., number of cases, number of charges, and number of convictions).	Start: 2012/13	Ongoing	RCMP
	Liaise with other departments in the development of integrated web content that highlights human trafficking achievements and awareness materials and promotes linkages.	Start: 2012/13	Ongoing	CBSA
1.14 Prevent Human Trafficking and reduce vulnerabilities abroad.	Through the Children and Youth Strategy, CIDA will support the implementation of the UNSC resolution 1325 in developing countries by: <ul style="list-style-type: none"> Encouraging partners to review and design programs to consider unsafe migration and human trafficking; Ensuring CIDA supported programs and projects consider community-based, and other protection mechanisms for young women and children; Encouraging partners to integrate into curriculum design life skills training programs that tackle safe migration and human trafficking scenarios; Ensuring birth registration is included and promoted in bilateral partner's frameworks and throughout programming; Targeting CIDA programming to women and girls 	Start: 2012/13	Ongoing	CIDA

Task	Deliverable	Timeline	Status	Lead
	living in poverty, to address the underlying cause of entry into human trafficking circumstances.			

PROTECTION AND ASSISTANCE FOR VICTIMS

Objective 2.1: The Government of Canada will continue to assist all victims of crime, including trafficking victims; to work with the provinces and territories to deliver services responsive to the needs of trafficking victims; and to promote greater understanding of the needs of trafficked persons with a view to promoting their physical, psychological and social recovery.

Task	Deliverable	Timeline	Status	Lead
2.11 Collaborate with civil society and provinces and territories to develop resources and provide training for frontline service providers on responding to the needs of trafficked persons, and to promote a consistent response across Canada.	Provide information on the victim's state of mind and effects of trauma to criminal justice officials at human trafficking conferences, training, workshops and awareness sessions.	Start: 2012/13	Ongoing	RCMP
	Explore, through the FPT Victims of Crime Working Group, the development of guidelines/basic principles regarding the treatment of/services to victims of human trafficking.	Start: 2012/13	In progress	JUS
	Develop, in consultation with key partners and stakeholders, a list of relevant service providers and NGOs that can meet the needs of victims, for use by law enforcement.	Start: 2012/13	Ongoing	RCMP
2.12 Provide funding to support provinces and territories and community organizations in improving services for victims of crime, including victims of human trafficking.	The Victims Fund currently makes funding available to projects that improve services to victims of human trafficking and will, beginning in 2013/14, have up to \$500,000 specifically designated to such projects.	Start: 2013/14	Ongoing	JUS
	Provide funding, where possible, to projects, including support to female victims of human trafficking, preventative measures such as community safety plans, and collaboration with service providers and law enforcement to better identify cases of suspected human trafficking and individuals at risk of being trafficked.	Start: 2012/13	Ongoing	SWC
2.13 Protect foreign nationals vulnerable to human trafficking, including female immigrants aged 15-21 years.	Improve protections for temporary foreign workers by developing policy to conduct on-site employer visits (with employer consent and, where applicable TFW consent) and explore improving employer monitoring in the Live-in Caregiver Program.	Start: 2012/13	In progress	HRSDC (TFWP), CIC
	CIC will improve monitoring and enforcement in the international student program.	Start: 2012/13	In progress	CIC
	Develop options for responding to Ministerial direction regarding the issuance of instructions that aim to protect foreign nationals who are at risk of being subjected to humiliating or degrading treatment, including sexual exploitation.	Start: 2012/13	Complete	CIC
	The CBSA is working with CIC and the RCMP to make outreach information available to foreign nationals who may be vulnerable to human trafficking. Outreach	Start: 2012/13	Ongoing	CBSA, CIC, RCMP

Task	Deliverable	Timeline	Status	Lead
	information will be provided after Primary Inspection Line (PIL) within identified areas at ports of entry.			
	To better protect vulnerable persons who are at risk of being trafficked into Canada to work in situations where they could be subject to exploitation, HRSDC and CIC will explore options to prevent the sex trade from accessing the TFWP.	Start: 2012/13	On track for 2013	CIC, HRSDC (TFWP)
	Work with provincial/territorial partners to ensure that foreign nationals entering Canada under the International Student Program are genuine and attending quality educational institutions throughout the period of their stay.	Start: 2012/13	In progress	CIC
	Analyze employer compliance reviews to identify high risk trends.	Start: 2012/13	Ongoing	HRSDC (TFWP)
	All new Border Services Officers (BSOs) completing CBSA's new recruitment program will have completed the awareness training for Trafficking in Persons and a human trafficking awareness e-learning training will be updated and made available to all existing BSOs who have yet to complete the training.	Start: 2012/13	Ongoing	CBSA
	Explore developing improvements to the TFWP process available to exploited temporary foreign workers to change employers.	Start: 2012/13	Ongoing	HRSDC (TFWP)
	Provide TRPs to foreign national victims of human trafficking and consider opportunities for improving the TRP policy and implementation. In deciding whether to impose or lift visa requirements, CIC will consider, among other factors, whether a country has been a significant source country for human trafficking.	Start: 2012/13	Ongoing	CIC
	Continue to monitor recent enhancements to the protection of live-in caregivers, while considering the need for further changes.	Start: 2012/13	Ongoing	CIC, HRSDC (TFWP)
	Refer to and work with the Federal Witness Protection Program when a foreign national victim/witness of human trafficking is deemed eligible under the terms of the program.	Start: 2012/13	Ongoing	RCMP
2.14 Protect Canadians vulnerable to trafficking.	Issue emergency travel documents to Canadian citizens who are victims of human trafficking abroad for repatriation in a timelier manner.	Start: 2012/13	Ongoing	PPTC
	Refer to and work with the Federal Witness Protection Program when a Canadian victim/witness of human trafficking is deemed eligible under the terms of the program.	Start: 2012/13	Ongoing	RCMP

DETECTION, INVESTIGATION AND PROSECUTION OF TRAFFICKERS

Objective 3.1: The Government of Canada will build on current efforts to bring traffickers to justice and to strengthen the criminal justice system's responses to this crime.

Task	Deliverable	Timeline	Status	Lead
3.11 Provide targeted human trafficking training and education for criminal justice officials.	Provide regular briefings on human trafficking detection methods and best practices to all CBSA staff with human trafficking related functions along the continuum and assist in providing the necessary tools to better equip officers to identify and intercept victims as well as traffickers. This includes the provision of ongoing training and the development of online training which will facilitate delivery.	Start: 2011/12	Ongoing	CBSA
	NEW: Update of EN manual Chapter 1, Trafficking in Persons.	2012/13	In progress	
	Explore opportunities to work with the Judiciary, including the National Justice Institute to promote education on human trafficking.	Start: 2012/13	In progress	JUS
	Develop and disseminate, through the Coordinating Committee of Senior Officials Responsible for Justice, an operational handbook for police and prosecutors in relation to human trafficking cases.	Start: 2012/13	In progress To be completed in 2013/14	JUS, RCMP, PPSC, PS
	Develop training that emphasizes the value of financial intelligence (both tactical and strategic) to investigations and prosecutions of money laundering activity related to human trafficking.	Start: 2012/13	Ongoing	RCMP, JUS, PPSC, FINTRAC
	Working with various partners, coordinate and deliver training workshops for criminal justice officials throughout Canada, which includes a component on the vulnerability of Aboriginal populations to human trafficking.	Start: 2012/13	Ongoing	RCMP
	In collaboration with JUS and several stakeholders, develop education and training including: an advanced course on human trafficking at the Canadian Police College (CPC), human trafficking awareness session for RCMP cadets, an online human trafficking course for law enforcement, and incorporate human trafficking training into CPC and Pacific Region Training Centre courses indirectly related to human trafficking (i.e., Organized Crime, intelligence, and the Aboriginal Gang Reduction Strategies course).	Start: 2012/13	Ongoing	RCMP
	In consultation with stakeholders, develop an investigator's victim centered guidebook to assist in identifying and working with victims of human trafficking.	Start: 2012/13	On track for 2013/14	RCMP
3.12 Explore options to raise awareness of human trafficking for forced labour with labour inspectors, officials and TFWP/Service Canada officers.	Distribute the 'I'm Not for Sale' law enforcement toolkit which provides useful operational information for police investigating trafficking cases, victim assistance guidelines as well as information.	Start: 2012/13	Ongoing	RCMP
	Explore options to raise awareness of human trafficking for forced labour with labour inspectors and officials in collaboration with the RCMP.	Start: 2012/13	Ongoing	HRSDC (Labour Program), RCMP
	Develop training modules for the TFWP/Service Canada officers and human trafficking outreach material for employers and third parties.	Start: 2012/13	Ongoing	HRSDC (TFWP)
3.13 Enhance intelligence,	Coordinate intelligence on human trafficking and enhance the production, on an ongoing basis, of threat	Start: 2012/13	Ongoing	RCMP

Task	Deliverable	Timeline	Status	Lead
coordination and collaboration.	assessments/intelligence briefs on domestic and international human trafficking within a Canadian context.			
	Maintain partnerships among law enforcement at the municipal, national and international level to improve information and intelligence sharing within the law enforcement community.	Start: 2012/13	Ongoing	RCMP
	When appropriate, conduct parallel Proceeds of Crime Investigations when conducting human trafficking investigations.	Start: 2012/13	Ongoing	RCMP
	Increase collaboration with law enforcement to revoke the passport or other travel documents of a Canadian trafficker who is charged (inside or outside Canada) with what constitutes an indictable offence and to impose a period of withheld service.	Start: 2012/13	Ongoing	PPTC
	Sign a Memorandum of Understanding with the United States (US) to enable Canada and US law enforcement agencies to work more effectively together to combat human smuggling and human trafficking.	Start: 2011/12	Complete	RCMP
	Collect, analyze, produce, disseminate intelligence materials related to human trafficking and share with relevant internal and external stakeholders involved in preventing human trafficking.	Start: 2012/13	Ongoing	CBSA
	Develop and disseminate information with respect to human trafficking trends to stakeholders, consular staff and visa officers on a regular basis.	Start: 2012/13	Ongoing	CBSA
	Engage PPTC's Intelligence Division to collect and analyze data related to human trafficking and where there are indicators that a situation may trigger the revocation or refusal process, forward the file to the Investigations Division.	Start: 2012/13	Ongoing	PPTC, CBSA
	Increase collaboration with law enforcement in order to include on Passport Canada's System Lookout individuals who are under investigation or who have been charged with criminal offences in regards to human trafficking and when possible, share information to confirm suspect's identity and assist in the prosecution.	Start: 2012/13	Ongoing	PPTC
	Promote bilateral cooperation through Mutual Legal Assistance and extradition treaties.	Start: 2012/13	Ongoing	DFAIT, JUS
	Provide designated information to partners relevant to investigations or prosecutions of suspected money laundering activity related to human trafficking and monitor and assess financial transactions to identify trends and patterns specific to the laundering of illicit proceeds related to human trafficking.	Start: 2012/13	Ongoing	FINTRAC
	Participate in INTERPOL Taskforce on human trafficking to exchange intelligence, awareness and best practices among the international law enforcement community. NEW: Assist the INTERPOL Taskforce on human trafficking in Burkina Faso, Africa, by providing training to local police, customs and forestry officers to prepare them for a child trafficking project.	Start: 2011/12 2012/13	Ongoing Complete	RCMP

Task	Deliverable	Timeline	Status	Lead
	Dedicated Integrated Enforcement Team consisting of federal, municipal and/or provincial law enforcement agencies, which will focus on all aspects of human trafficking and will be located in an area based on threat/risk assessments.	Start: 2012/13	On track	RCMP, CBSA
3.14 Support Investigations and Prosecutions.	Develop and make widely available materials to assist front-line criminal justice personnel in the investigation and prosecution of human trafficking in Canada (e.g., issue fact sheets).	Start: 2012/13	Ongoing	JUS
	Develop and train police subject matter experts on human trafficking to present expert testimony in court with the objective of convicting traffickers.	Start: 2011/12	Ongoing	RCMP
	Provide expertise to police of jurisdiction on human trafficking investigations.	Start: 2012/13	Ongoing	RCMP
	Develop RCMP strategic document outlining efforts to combat human trafficking.	Start: 2011/12	Complete	RCMP
3.15 Ensure that strategies are in place to assess for human trafficking as part of large scale irregular arrivals.	When it is believed that a Canadian travel document was misused, use PPTC's database of photographs to identify individuals or detect/identify fraud and/or imposters.	Start: 2012/13	Ongoing	PPTC, RCMP
	Employ an operation contingency plan to investigate and assess <i>Criminal Code of Canada</i> and <i>IRPA</i> offences, including human trafficking, amongst persons who come to Canada as part of large-scale irregular arrivals.	Start: 2012/13	Ongoing	RCMP
3.16 Enhance protocols and information technology (IT) systems to improve detection of labour exploitation, including human trafficking.	Enhance the Foreign Worker System to automatically track and identify high risk employers and enhance information collection.	Start: 2012/13	Ongoing	HRSDC (TFWP)
	Develop a predictive risk model to identify high-risk employers.	Start: 2012/13	In progress	HRSDC (TFWP)

PARTNERSHIP AND KNOWLEDGE (DOMESTIC AND INTERNATIONAL)

Objective 4.1: The Government of Canada will strengthen its relationships with relevant stakeholders to facilitate the ongoing development of effective policies and tools, to ensure a comprehensive and coordinated approach; and work to improve its ability to collect, track and report on data related to human trafficking in order to enhance knowledge and adapt our response appropriately, both domestically and on the international stage.

Task	Deliverable	Timeline	Status	Lead
4.11 Enhance engagement and collaboration with civil society and all levels of government to support knowledge exchange,	National engagement of stakeholders via the Internet to identify priorities, delivery and engagement mechanisms.	Start: 2012/13	Complete	PS (in consultation with HTT)
	Hold regular discussions with civil society and provinces and territories to share information on combatting human trafficking, including inviting these stakeholders to present and discuss current issues on an ad hoc basis.	Start: 2012/13	Ongoing	PS (in consultation with HTT)

Task	Deliverable	Timeline	Status	Lead
strengthen partnerships and inform policy responses.	Provide awareness sessions to civil society to enhance the understanding of human trafficking, strengthen relationships and possibly identify and assist victims.	Start: 2012/13	Ongoing	RCMP
	Promote the Contribution Program to Combat Child Sexual Exploitation and Human Trafficking to strengthen and engage partnerships with civil society and provinces and territories.	Start: 2011/12	Ongoing	PS
	Maximize operations of existing Letters of Understanding (LOU) with provinces and Memoranda of Understanding (MOU) with CIC/CBSA. Complete negotiations and sign new and revised MOUs/LOUs with provinces, territories, RCMP, Labour, CIC and CBSA.	Start: 2012/13	Ongoing	HRSDC (TFWP)
	Host regional workshops, meetings and/or conference calls with provinces and territories law enforcement and victim's services and NGOs to facilitate and maturing the development of networks, collaborative efforts, sharing best practices, and support the development of national and international initiatives to address human trafficking.	Start: 2012/13	Complete	RCMP
	Host a Knowledge Exchange Forum on Trafficking in Persons and Sexual Exploitation of Aboriginal Peoples. A literature review will be conducted to form the basis of a policy research paper that explores Aboriginal youth sexual exploitation and domestic trafficking in persons and its relation to the broader legal and policy context.	Start: 2011/12	Complete	AANDC
	With funding from PS, conduct a research project in which current and previous male and female Aboriginal youth sex trade workers will be interviewed in the cities of Vancouver and Winnipeg.	Start: 2011/12	Complete	AANDC, PS
	Enhance information sharing across federal departments on domestic and international issues related to human trafficking and forced labour.	Start: 2012/13	Ongoing	HRSDC (Labour Program)
4.12 Increase public diplomacy efforts and exchange of reporting between Canadian Government Departments and Canadian Embassies based in source countries.	Request regular human trafficking reporting, research and analysis by Canadian Missions through outreach to foreign experts in source and transit countries.	Start: 2012/13	Ongoing	DFAIT
	Monitor and share data on the use of Canadian passports/travel documents through partnership networks of law enforcement and border control agencies at the domestic and international level to prevent human traffickers from travelling.	Start: 2012/13	Ongoing	PPTC, CBSA
4.13 Systematically report on official data through existing data collection systems and disseminate publically on an annual basis.	Publish employer compliance review statistics on Temporary Foreign Worker Program website.	Start: 2013/14	Ongoing	HRSDC (TFWP)
	Provide sex-disaggregated data (where applicable) on Temporary Foreign Worker Program Labour Market Opinion Statistics Online Publication.	Start: 2013/14	Ongoing	HRSDC (TFWP)
	Provide aggregated data on requests regarding specifics to offenders and victims of human trafficking to further the understanding of the crime.	Start: 2012/13	Ongoing	StatsCan
	Regularly release disaggregated data pertaining to Temporary Resident Permits issued to foreign national victims of human trafficking.	Start: 2012/13	Ongoing	CIC

Task	Deliverable	Timeline	Status	Lead
4.14 Partner with international organizations and foreign governments to increase capacity to prevent and combat human trafficking.	Through the Anti-Crime Capacity Building Programme (ACCBP) support projects to build capacity in key source and transit countries to combat human trafficking.	Start: 2012/13	Ongoing	DFAIT
	NEW: Build capacity of law enforcement in developing countries to protect children and youth, especially girls, from violence, exploitation and abuse, and to combat human trafficking.	Start: 2011/12	Ongoing	CIDA
	Promote the ACCBP and the Global Peace and Security Fund (GPSF) to international organizations, NGOs, and partner countries in order to support projects in source and transit countries that combat human trafficking with a focus on organized crime networks.	Start: 2012/13	Ongoing	DFAIT
	Promote Canada's domestic achievements and share best practices on combating human trafficking through participation in international fora and with multi-lateral organizations (i.e., UN, OAS, ASEAN, IOM, ILO) and sub-regional mechanisms such as the Regional Conference on Migration (RCM).	Start: 2012/13	Ongoing	DFAIT and others, CIC
	Where possible, make human trafficking (and migrant smuggling) an area of discussion during bilateral interactions between Canada and source and transit countries – particularly in the Americas.	Start: 2012/13	Ongoing	DFAIT
	Use diplomatic protocols to promote regional and international partnerships, policies and capacity building to combat human trafficking and child exploitation.	Start: 2012/13	Ongoing	DFAIT
	Liaise with source countries (e.g., the Philippines) from which vulnerable temporary foreign workers come to Canada, to improve awareness of labour and sexual exploitation, enhance protections for vulnerable workers, and share best practices.	Start: 2012/13	Ongoing	HRSDC (TFWP)
	Leveraging international resources, such as Liaison Officers, the CBSA will work with like-minded international organizations to address human trafficking issues, and where resources permit and as deemed appropriate by senior officials, contribute to broader Government of Canada confidence building measures that aim to counter human trafficking activities.	Start: 2012/13	Ongoing	CBSA
	Engage subject matter experts in capacity building initiatives.	Start: 2012/13	Ongoing	RCMP, CBSA, JUS
	Include emphasis on human trafficking within the delivery of Canada's Action Plan to implement UN Security Council resolution 1325 on Women, Peace and Security, which together calls for special consideration, during and after conflict, to the differential impact of conflict on women and girls and calls states to ensure that the rights and well-being of women and girls are integrated into peace processes and other responses to armed conflict.	Start: 2011/12	In progress	DFAIT, CIDA, PS, RCMP, JUS
	Partner with the UNODC to support an expert group initiative to explore key concepts contained in the Trafficking Protocol with a view to promoting implementation of this Treaty worldwide.	Start: 2012/13	Complete	JUS

Annex B: Resources and Links

Canadian Legislation (CCC and IRPA Human Trafficking Offences)

<http://www.justice.gc.ca/eng/cj-jp/tp/legis-loi.html>

Government of Canada Human Trafficking Website

<http://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/index-eng.aspx>

National Action Plan to Combat Human Trafficking

<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/ntnl-ctn-pln-cmbt/index-eng.aspx>

Canada's Anti-Human Trafficking Newsletter

<http://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/rsrscs-eng.aspx>

RCMP 'I'm Not for Sale' Campaign

<http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm>

RCMP 'I'm Not for Sale' Youth Campaign

<http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm>

RCMP Threat Assessment (2010)

<http://www.rcmp-grc.gc.ca/ht-tp/publications/index-eng.htm>

Introduction to Human Trafficking Online Training Course for Law Enforcement and Prosecutors

Available via: www.cpkn.ca

'Temporary Foreign Workers: Your Rights are Protected' pamphlet (multiple languages)

<http://www.cic.gc.ca/english/resources/publications/index.asp>

Welcome to Canada Guide

<http://www.cic.gc.ca/english/resources/publications/index.asp>

Employer Compliance Pamphlet

https://www.labour.gov.on.ca/english/es/pdf/br_compliance_p.pdf

Human Trafficking Stakeholder Consultations – National Summary Report

<http://www.publicsafety.gc.ca/cnt/cntrng-crm/hmn-trffckng/index-eng.aspx>

Local Safety Audit Guide: To Prevent Trafficking in Persons and Related Exploitation

<http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/lcl-sfty-dtgd/index-eng.aspx>

'Human Trafficking: Canada is Not Immune' online training program

<http://www.pssg.gov.bc.ca/octip/training.htm>

PACT Ottawa – *TruckSTOP* campaign

<http://www.pact-ottawa.org/truckstop.html>

Funding Programs

Victims Fund (Justice Canada)

<http://www.justice.gc.ca/eng/fund-fina/gov-gouv/vf-fv.html>

Contribution Program to Combat Child Sexual Exploitation and Human Trafficking (Public Safety Canada)

<http://www.publicsafety.gc.ca/cnt/cntrng-crm/chld-sxl-xplttn-ntrnt/cntrbtn-prgrm-cmbt-eng.aspx>

Women's Program (Status of Women Canada)

<http://www.swc-cfc.gc.ca/fun-fin/wcf-fcf/index-eng.html>

Anti-Crime Capacity Building Program (Department of Foreign Affairs and International Trade)

<http://www.international.gc.ca/crime/accbp-prlc.aspx?view=d>

Annex C: Abbreviations

AANDC	Aboriginal Affairs and Northern Development Canada
CBSA	Canada Border Services Agency
CIC	Citizenship and Immigration Canada
CIDA	Canadian International Development Agency
DFAIT	Department of Foreign Affairs and International Trade
DND	Department of National Defence
FINTRAC	Financial Transaction and Reports Analysis Centre of Canada
HRSDC (Labour Program)	Human Resources and Skills Development Canada (Labour Program)
HRSDC (TFWP)	Human Resources and Skills Development Canada (Temporary Foreign Worker Program)
HTNCC	Human Trafficking National Coordination Centre
JUS	Justice Canada
PHAC	Public Health Agency of Canada
PPSC	Public Prosecution Service of Canada
PPTC	Passport Canada
PS	Public Safety Canada
RCMP	Royal Canadian Mounted Police
StatsCan	Statistics Canada
SWC	Status of Women Canada

International Organizations

ASEAN	Association of Southeast Asian Nations
ILO	International Labour Organization
IOM	International Organization for Migration
OAS	Organization of American States
OSCE	Organization for Security and Cooperation in Europe
UNDP	United Nations Development Program
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime

**Pages 212 to / à 219
are withheld pursuant to section
sont retenues en vertu de l'article**

69(1)(e)

**of the Access to Information Act
de la Loi sur l'accès à l'information**



Unclassified
2016-003221

Talking Points

Whether the Government will proclaim into force Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*

- Our Government supports the objectives of Bill C-452, but we have concerns that a part of the Bill may be inconsistent with the Charter.
- Specifically, Bill C-452 requires sentencing judges to impose consecutive sentences on offenders convicted of human trafficking offences and any other offence arising out of the same event.
- This provision, together with the new mandatory minimum penalties (MMPs) imposed on the human trafficking offences by the *Protection of Communities and Exploited Persons Act* (which came into force on December 6, 2014), could require a “stacking” of MMPs, resulting in extremely lengthy sentences.

- **As you know, provisions that require sentencing judges to impose disproportionately long sentences have been found to amount to cruel and unusual punishment under section 12 of the Charter.**
- **My officials are examining these Charter issues as they relate to Bill C-452 on a priority basis.**
- **We are committed to achieving Bill C-452's important objectives quickly and responsibly. Accordingly, we are urgently examining whether and how Bill C-452's reforms can be brought into force.**
- **In the meantime, I note that the existing criminal law already provides significant penalties for human trafficking-related conduct, including lengthy mandatory minimum penalties.**

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Question Period Note

BILL C-452, AN ACT TO AMEND THE CRIMINAL CODE (EXPLOITATION AND TRAFFICKING IN PERSONS)

ISSUE:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)* received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

PROPOSED RESPONSE:

- Our Government takes human trafficking very seriously. We are committed to strengthening our efforts to combat this crime and better protect trafficking victims, who are among society's most vulnerable.
- Our Government supports the objectives of Bill C-452, but we have concerns that a part of the Bill may be inconsistent with the *Canadian Charter of Rights and Freedoms*.
- Specifically, Bill C-452 requires sentencing judges to impose sentences for human trafficking offences consecutive to sentences for any other offence arising out of the same event.
- This provision, together with the new mandatory minimum penalties imposed on the human trafficking offences by the *Protection of Communities and Exploited Persons Act* (former Bill C-36), could result in a "stacking" of mandatory minimum penalties, and therefore extremely lengthy sentences.
- Provisions that require sentencing judges to impose disproportionately long sentences have been found to amount to cruel and unusual punishment under section 12 of the Charter.
- We are committed to achieving Bill C-452's important objectives quickly and responsibly. Accordingly, we are urgently examining whether and how the reforms in Bill C-452 can be brought into force.
- In the meantime, I note that the existing criminal law already provides significant penalties for human trafficking-related conduct, including lengthy mandatory minimum penalties.

BACKGROUND:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, introduced by Maria Mourani (Ahuntsic – BQ), amends the *Criminal Code* to strengthen the criminal justice system's response to the crime of human trafficking. The Bill received Royal Assent on June 18, 2015, but has yet to be proclaimed into force. A number of technical steps would have to be undertaken before the Bill can be proclaimed into force.

Bill C-452 amends the *Criminal Code* to:

- Require consecutive sentencing for offenders convicted of human trafficking offences and any other offence arising out of the same event(s);
- Add a presumption that an accused is exploiting a trafficking victim if they are shown to be living with or habitually in the company of that person;
- Make a technical amendment to the French version of section 279.04 (definition of exploitation) to address a discrepancy between the English and French versions; and,
- Modify the provision that imposes a reverse onus for forfeiture of proceeds of crime for certain criminal organization and drug offences to apply to human trafficking offences.

The human trafficking offences, section 279.01 (main human trafficking offence), section 279.02 (receiving a material benefit from human trafficking) and section 279.03 (withholding or destroying documents for the purpose of facilitating human trafficking), were first enacted in 2005 and carry significant penalties of up to life imprisonment, including mandatory minimum penalties (MMPs). These provisions have been amended three times since their enactment in 2005, twice by private members' bills:

- Private Member's Bill C-268, *An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*, which was sponsored by Joy Smith (Kildonan-St. Paul) and came into force on June 29, 2010, enacted the offence of child trafficking (section 279.011). This offence is identical to the main trafficking offence (section 279.01) with the exception that it imposes higher MMPs (6 years where the offence involves aggravated assault, aggravated sexual assault, kidnapping or death and 5 years in all other cases);
- Private Member's Bill C-310, *An Act to amend the Criminal Code (trafficking in persons)*, which was also sponsored by Joy Smith and came into force on June 28, 2012, authorized the assumption of extra-territorial jurisdiction to enable the Canadian prosecution of Canadian citizens and permanent residents who commit human trafficking abroad and created an interpretive provision setting out the types of evidence that a court may take into consideration when determining whether a person has exploited another person for the purposes of the human trafficking offences;
- Bill C-36, the *Protection of Communities and Exploited Persons Act*, which overhauled Canada's *Criminal Code* prostitution offences in response to the Supreme Court of Canada's 2013 *Bedford* decision, included reforms that ensured consistency between the new prostitution offences and the human trafficking offences and imposed MMPs on section 279.01 (5 years where the offence involves aggravated assault, aggravated sexual assault, kidnapping or death and 4 years in all other cases), as well as on sections 279.02 and 279.03 (two years and one year respectively), where the victim is a person under 18 years.

Human trafficking involves the recruitment, transportation and harbouring of persons for the purpose of exploitation, typically sexual exploitation or forced labour. Most human trafficking cases in Canada involve Canadian females exploited in the sex trade.

The Federal National Action Plan on Trafficking in Persons, launched on June 6, 2012 and led by Public Safety and Emergency Preparedness Canada, consolidates federal government efforts to combat human trafficking and focuses on four core areas: the prevention of human trafficking; the protection of victims; the prosecution of offenders; and, working in partnership with others both domestically and internationally. Initiatives include federal, provincial and territorial collaboration to develop and disseminate an operational handbook for police and prosecutors in relation to human trafficking cases, the *Handbook for Criminal Justice Practitioners on Trafficking in Persons*, which is now available online on Justice Canada's website. The purpose of the Handbook is to provide criminal justice practitioners with guidance in the investigation and prosecution of human trafficking cases.

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Question Period Note

**BILL C-452, AN ACT TO AMEND THE CRIMINAL CODE
(EXPLOITATION AND TRAFFICKING IN PERSONS)**

ISSUE:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)* received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

PROPOSED RESPONSE:

- Our government is aware and closely monitoring the situation in Quebec where young women have gone missing. Our thoughts and prayers are with the young women and their families.
- We take human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected. And that is why we have committed to the inquiry into missing and murdered Indigenous women and girls.
- Regrettably, the recruitment of children in need of protection from sexual exploitation and human trafficking remains a serious concern. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of exploitation, and the whole country shares the relief of parents whose daughters have been safely recovered in recent weeks.
- We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.
- While we support the principle of Bill C-452 – there are some parts which raise concerns.
- As the Attorney General of Canada, it is my responsibility to review legislation and advise the Prime Minister when a bill raises constitutional concerns or conflicts with the *Canadian Charter of Rights and Freedoms*.

- In the course of our review of the sentencing provisions of Bill C-452, we have determined that there is a real risk that the operation of the consecutive sentence requirement, together with the mandatory minimum sentence, would be off-side the Charter. These two sections, operating together, could result in sentences that would be hugely out of proportion to an offender's misconduct and the justice system's approach to other offences. This disproportionality is generally considered to be in contravention of section 12 of the Charter guarantee against cruel and unusual punishment. In other words, there is a very real risk that the bill could be unconstitutional.
- In his mandate letter, the Prime Minister asked me to carefully review changes to the *Criminal Code* brought in over the last decade with a view to determining their compliance with the Charter and consistency with our values. I take this mandate very seriously and so I will continue to take the necessary time to review the full content of the bill, to ensure that we don't enact anything that may be found unconstitutional down the road.
- I can assure you that we will be acting quickly on this very important file to address a real and important issue in our society, but we must do so responsibly – in a way that reflects our values and respects the Charter.
- As we move forward, we will look at the possibility of introducing a new bill to address this very important issue.

BACKGROUND:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, introduced by Maria Mourani (Ahuntsic – BQ), amends the *Criminal Code* to strengthen the criminal justice system's response to the crime of human trafficking. The Bill received Royal Assent on June 18, 2015, but has yet to be proclaimed into force. A number of technical steps would have to be undertaken before the Bill can be proclaimed into force.

Bill C-452 amends the *Criminal Code* to:

- Require consecutive sentencing for offenders convicted of human trafficking offences and any other offence arising out of the same event(s);
- Add a presumption that an accused is exploiting a trafficking victim if they are shown to be living with or habitually in the company of that person;
- Make a technical amendment to the French version of section 279.04 (definition of exploitation) to address a discrepancy between the English and French versions; and,
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The human trafficking offences, section 279.01 (main human trafficking offence), section 279.02 (receiving a material benefit from human trafficking) and section 279.03 (withholding or destroying documents for the purpose of facilitating human trafficking), were first enacted in 2005 and carry significant penalties of up to life imprisonment, including mandatory minimum penalties (MMPs). These provisions have been amended three times since their enactment in 2005, twice by private members' bills:

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Note pour la période de questions

Projet de loi C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*

SUJET :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, a reçu la sanction royale le 18 juin 2015, mais il n'est pas encore entré en vigueur.

RÉPONSE SUGGÉRÉE :

- Notre gouvernement est au courant de la disparition de jeunes femmes au Québec et suit de près la situation. Ces jeunes femmes et leurs familles sont dans nos pensées et nos prières.
- Nous prenons très au sérieux la traite des personnes et l'exploitation des femmes et des jeunes filles. Nous sommes déterminés à renforcer nos efforts pour lutter contre ce problème afin que certains des membres les plus vulnérables de la société soient mieux protégés. Et c'est pourquoi nous nous sommes engagés à procéder à une enquête sur les femmes et les filles autochtones disparues et assassinées.
- Malheureusement, le recrutement d'enfants qui ont besoin d'être protégés contre l'exploitation sexuelle et la traite de personnes demeure une grave préoccupation. La disparition d'un enfant est une tragédie, tout particulièrement dans des circonstances qui portent à croire qu'il y a pu y avoir exploitation; tout le pays partage le soulagement des parents dont les filles ont été retrouvées saines et sauvées au cours des dernières semaines.
- Nous sommes déterminés à travailler en collaboration avec les provinces et les territoires, les collectivités autochtones, les forces de l'ordre et les organisations communautaires pour lutter contre l'exploitation et offrir un appui aux victimes et aux victimes potentielles.
- Bien que nous appuyions le principe du projet de loi C-452, certaines de ses parties soulèvent des préoccupations.
- À titre de procureure générale du Canada, j'ai la responsabilité d'examiner les textes législatifs et d'aviser le Premier ministre lorsqu'un projet de loi soulève des préoccupations de nature constitutionnelle ou

est incompatible avec la *Charte canadienne des droits et libertés*.

- Dans le cadre de notre examen des dispositions sur la détermination de la peine prévues dans le projet de loi C-452, nous avons conclu qu'il existe un risque réel que l'exigence imposée aux juges d'infliger des peines consécutives, conjuguée à l'infliction de peines minimales obligatoires, serait contraire à la *Charte*. Ces deux dispositions, appliquées conjointement, pourraient donner lieu au prononcé de peines qui seraient exagérément disproportionnées par rapport à l'inconduite du délinquant et à l'approche du système de justice à l'égard d'autres infractions. Une peine exagérément disproportionnée est généralement considérée comme portant atteinte au droit de chacun à la protection contre toute peine cruelle et inusitée, aux termes de l'article 12 de la *Charte*. En d'autres mots, il existe un risque très réel que le projet de loi puisse être déclaré inconstitutionnel.
- Dans sa lettre de mandat, le Premier ministre m'a demandé de réviser attentivement les changements apportés au *Code criminel* au cours de la dernière décennie en vue d'établir s'ils cadrent avec la *Charte* et nos valeurs. Je prends ce mandat très au sérieux et je continuerai de prendre le temps qu'il faut pour réviser l'ensemble du projet de loi pour veiller à ce que nous n'adoptions pas de dispositions qui pourraient être déclarées inconstitutionnelles par la suite.
- Je peux vous garantir que nous agissons rapidement dans ce très important dossier afin de remédier à un problème réel et important dans notre société; cependant, il nous faut le faire de façon responsable – d'une façon qui reflète nos valeurs et respecte la *Charte*.
- Dans le cadre de ce processus, nous examinerons la possibilité de déposer un nouveau projet de loi pour traiter de cette question très importante.

CONTEXTE :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, déposé par Maria Mourani (Ahuntsic – BQ), vise à modifier le *Code criminel* en vue de renforcer la réponse du système de justice pénale à l'égard de l'infraction de traite de personnes. Le projet de loi a été sanctionné le 18 juin 2015, mais n'est pas encore entré en vigueur. Un certain nombre de mesures techniques devraient être prises avant que le projet de loi puisse entrer en vigueur.

Le projet de loi C-452 vise à modifier le *Code criminel* afin :

- d'exiger que la peine infligée aux délinquants déclarés coupables d'infractions de traite de personnes soit purgée consécutivement à toute autre peine sanctionnant une autre infraction basée sur les mêmes faits;
- d'ajouter une présomption portant qu'un accusé exploite une victime de traite de personnes s'il est établi qu'il vit ou se trouve habituellement en compagnie de cette personne;
- d'apporter une modification technique à la version française de l'article 279.04 (définition de l'exploitation) en vue de corriger une divergence entre les versions française et anglaise; et
- de modifier la disposition portant inversion du fardeau de preuve en ce qui a trait à la confiscation des produits de la criminalité obtenus en rapport avec certaines infractions d'organisation criminelle et relatives aux drogues afin que cette disposition vise les infractions de traite de personnes.

Les infractions de traite de personnes, l'article 279.01 (l'infraction principale de traite de personnes), l'article 279.02 (bénéficiaire d'un avantage matériel provenant de la traite de personnes) et l'article 279.03 (rétention ou destruction de documents en vue de faciliter la traite de personnes) ont été adoptées initialement en 2005 et sont passibles de lourdes peines pouvant aller jusqu'à l'emprisonnement à perpétuité, y compris de peines minimales obligatoires (PMO). Ces dispositions ont été modifiées à trois reprises depuis leur adoption en 2005, deux fois par des projets de loi d'initiative parlementaire :

- Projet de loi d'initiative parlementaire C-268, *Loi modifiant le Code criminel (peine minimale pour les infractions de traite de personnes âgées de moins de dix-huit ans)*, parrainé par Joy Smith (Kildonan-St. Paul) et entré en vigueur le 29 juin 2010, a créé l'infraction de traite d'enfants (article 279.011). Cette infraction est identique à l'infraction principale de traite de personnes (article 279.01), à la différence qu'elle prévoit des PMO plus élevées (de six ans lorsque l'infraction comporte des voies de fait graves, une agression sexuelle grave, un enlèvement ou la mort d'une personne, et de cinq ans dans tous les autres cas);
- Le projet de loi d'initiative parlementaire C-310, *Loi modifiant le Code criminel (traite des personnes)*, également parrainé par Joy Smith, entré en vigueur le 28 juin 2012, a conféré aux tribunaux le pouvoir d'exercer une compétence extraterritoriale afin que des citoyens canadiens et des résidents permanents, qui commettent des infractions à l'étranger, puissent être poursuivis au Canada, et ce projet de loi a créé une disposition d'interprétation prévoyant les types de preuve dont le tribunal peut tenir compte pour déterminer si une personne en exploite une autre aux fins des infractions de traite de personnes;
- Le projet de loi C-36, *Loi sur la protection des collectivités et des personnes victimes d'exploitation*, qui a permis de remanier les dispositions relatives à la prostitution, prévues au *Code criminel*, en réponse à la décision *Bedford* que la Cour suprême du Canada a rendue en 2013, a apporté des modifications visant à assurer une uniformité entre les nouvelles infractions relatives à la prostitution et les infractions de traite de personnes, et établi des PMO pour les infractions prévues à l'article 279.01 (de cinq ans, lorsque l'infraction comporte des voies de fait graves, une agression sexuelle grave, un enlèvement ou la mort d'une personne, et de quatre ans dans les autres cas) et aux articles 279.02 et 279.03 (respectivement de deux ans et de un an), lorsque la victime a moins de dix-huit ans.

La traite de personnes a trait au recrutement, au transport et à l'hébergement de personnes à des fins d'exploitation sexuelle ou de travaux forcés. La majorité des dossiers de traite de personnes au Canada visent des femmes canadiennes exploitées dans l'industrie du sexe.

Le Plan d'action national de lutte contre la traite de personnes, mis sur pied le 6 juin 2012 et dirigé par Sécurité publique Canada, consolide les efforts du gouvernement fédéral en matière de lutte contre la traite de personnes et vise quatre domaines prioritaires : la prévention de la traite de personnes; la protection des victimes; la poursuite des contrevenants et le travail en partenariat avec d'autres intervenants, tant à l'échelle nationale qu'internationale. Les initiatives mises de l'avant en vertu de ce plan comprennent une collaboration fédérale, provinciale et territoriale ayant permis d'élaborer et de diffuser un manuel opérationnel à l'intention des policiers et des procureurs portant sur la traite de personnes; le *Guide sur la traite des personnes à l'usage des praticiens de la justice pénale* est désormais disponible sur le site Web de Justice Canada. Ce guide s'adresse aux praticiens de la justice pénale qui mènent des enquêtes et qui intentent des poursuites dans les dossiers de traite de personnes.

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QUESTION PERIOD NOTE

Date: 2016-02-121
Classification: PROTECTED
CCM#: 2016-002980

Question Period Note

**BILL C-452, AN ACT TO AMEND THE CRIMINAL CODE
(EXPLOITATION AND TRAFFICKING IN PERSONS)**

ISSUE:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)* received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

PROPOSED RESPONSE:

- Our government is aware and closely monitoring the situation in Quebec where young women have gone missing. Our thoughts and prayers are with the young women and their families.
- We take human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected. And that is why we have committed to the inquiry into missing and murdered Indigenous women and girls.
- Regrettably, the recruitment of children in need of protection from sexual exploitation and human trafficking remains a serious concern. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of exploitation, and the whole country shares the relief of parents whose daughters have been safely recovered in recent weeks.
- We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.
- While we support the principle of Bill C-452 – there are some parts which raise concerns.
- As the Attorney General of Canada, it is my responsibility to review legislation and advise the Prime Minister when a bill raises constitutional concerns or conflicts with the *Canadian Charter of Rights and Freedoms*.

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- In the course of our review of the sentencing provisions of Bill C-452, we have determined that there is a real risk that the operation of the consecutive sentence requirement, together with the mandatory minimum sentence, would be off-side the Charter. These two sections, operating together, could result in sentences that would be hugely out of proportion to an offender's misconduct and the justice system's approach to other offences. This disproportionality is generally considered to be in contravention of section 12 of the Charter guarantee against cruel and unusual punishment. In other words, there is a very real risk that the bill could be unconstitutional.
- In his mandate letter, the Prime Minister asked me to carefully review changes to the *Criminal Code* brought in over the last decade with a view to determining their compliance with the Charter and consistency with our values. I take this mandate very seriously and so I will continue to take the necessary time to review the full content of the bill, to ensure that we don't enact anything that may be found unconstitutional down the road.
- I can assure you that we will be acting quickly on this very important file to address a real and important issue in our society, but we must do so responsibly – in a way that reflects our values and respects the Charter.
- As we move forward, we will look at the possibility of introducing a new bill to address this very important issue.

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~~Our Government takes human trafficking very seriously. We are committed to strengthening our efforts to combat this crime and better protect~~

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trafficking victims, who are among society's most vulnerable.

Our Government supports the objectives of Bill C-452, but we have concerns that a part of the Bill may be inconsistent with the *Canadian Charter of Rights and Freedoms*.

Specifically, Bill C-452 requires sentencing judges to impose sentences for human trafficking offences consecutive to sentences for any other offence arising out of the same event.

This provision, together with the new mandatory minimum penalties imposed on the human trafficking offences by the *Protection of Communities and Exploited Persons Act* (former Bill C-36), could result in a "stacking" of mandatory minimum penalties, and therefore extremely lengthy sentences.

Provisions that require sentencing judges to impose disproportionately long sentences have been found to amount to cruel and unusual punishment under section 12 of the Charter.

We are committed to achieving Bill C-452's important objectives quickly and responsibly. Accordingly, we are urgently examining whether and how the reforms in Bill C-452 can be brought into force.

In the meantime, I note that the existing criminal law already provides significant penalties for human trafficking-related conduct, including lengthy mandatory minimum penalties.

BACKGROUND:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, introduced by Maria Mourani (Ahuntsic – BQ), amends the *Criminal Code* to strengthen the criminal justice system's response to the crime of human trafficking. The Bill received Royal Assent on June 18, 2015, but has yet to be proclaimed into force. A number of technical steps would have to be undertaken before the Bill can be proclaimed into force.

Bill C-452 amends the *Criminal Code* to:

- Require consecutive sentencing for offenders convicted of human trafficking offences and any other offence arising out of the same event(s);
- Add a presumption that an accused is exploiting a trafficking victim if they are shown to be living with or habitually in the company of that person;
- Make a technical amendment to the French version of section 279.04 (definition of exploitation) to address a discrepancy between the English and French versions; and,
- Modify the provision that imposes a reverse onus for forfeiture of proceeds of crime for certain criminal organization and drug offences to apply to human trafficking offences.

The human trafficking offences, section 279.01 (main human trafficking offence), section 279.02

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(receiving a material benefit from human trafficking) and section 279.03 (withholding or destroying documents for the purpose of facilitating human trafficking), were first enacted in 2005 and carry significant penalties of up to life imprisonment, including mandatory minimum penalties (MMPs). These provisions have been amended three times since their enactment in 2005, twice by private members' bills:

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NOTE POUR LA PÉRIODE DE QUESTIONS

Date : 2016-02-12
Cote de sécurité : PROTÉGÉ
CCM : 2016-002980

Note pour la période de questions

Projet de loi C-452, Loi modifiant le Code criminel (exploitation et traite de personnes)

SUJET :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, a reçu la sanction royale le 18 juin 2015, mais il n'est pas encore entré en vigueur.

RÉPONSE SUGGÉRÉE :

- Notre gouvernement est au courant de la disparition de jeunes femmes au Québec et suit de près la situation.
- Ces jeunes femmes et leurs familles sont dans nos pensées et nos prières. La disparition d'un enfant est une tragédie, tout particulièrement dans des circonstances qui portent à croire qu'il y a pu y avoir exploitation; tout le pays partage le soulagement des parents dont les filles ont été retrouvées saines et sauvées au cours des dernières semaines.
- Notre gouvernement prend très au sérieux la traite des personnes et l'exploitation des femmes et des jeunes filles. Nous sommes déterminés à renforcer nos efforts pour lutter contre ce problème afin que certains des membres les plus vulnérables de la société soient mieux protégés. Et c'est pourquoi nous nous sommes engagés à procéder à une enquête sur les femmes et les filles autochtones disparues et assassinées.
- Malheureusement, le recrutement d'enfants qui ont besoin d'être protégés contre l'exploitation sexuelle et la traite de personnes demeure une grave préoccupation. La disparition d'un enfant est une tragédie, tout particulièrement dans des circonstances qui portent à croire qu'il y a pu y avoir exploitation; tout le pays partage le soulagement des parents dont les filles ont été retrouvées saines et sauvées au cours des dernières semaines.
- Nous sommes déterminés à travailler en collaboration avec les provinces et les territoires, les collectivités autochtones, les forces de l'ordre et les organisations communautaires pour lutter contre l'exploitation et offrir un

appui aux victimes et aux victimes potentielles.

Si une question est posée sur le projet de loi C-452 :

- Nous sommes déterminés à atteindre les objectifs importants du projet de loi C-452 rapidement et de façon responsable. Par conséquent, nous examinons de façon urgente si et comment les réformes dans le projet de loi C-452 peuvent être mises en vigueur. Bien que nous appuyions le principe du projet de loi C-452, nous avons certaines préoccupations qu'une partie du projet de loi puisse être incompatible avec la Charte canadienne des droits et libertés certaines de ses parties soulèvent des préoccupations.
- ~~À titre de procureure générale du Canada, j'ai la responsabilité d'examiner les textes législatifs et d'aviser le Premier ministre lorsqu'un projet de loi soulève des préoccupations de nature constitutionnelle ou est incompatible avec la Charte canadienne des droits et libertés.~~
- Dans le cadre de notre examen des dispositions sur la détermination de la peine prévues dans le projet de loi C-452, nous avons conclu qu'il existe un risque réel que l'exigence imposée aux juges d'infliger des peines consécutives, conjuguée à l'infliction de peines minimales obligatoires, serait contraire à la Charte. Ces deux dispositions, appliquées conjointement, pourraient donner lieu au prononcé de peines qui seraient exagérément disproportionnées par rapport à l'inconduite du délinquant et à l'approche du système de justice à l'égard d'autres infractions. Une peine exagérément disproportionnée est généralement considérée comme portant atteinte au droit de chacun à la protection contre toute peine cruelle et inusitée, aux termes de l'article 12 de la Charte. En d'autres mots, il existe un risque très réel que le projet de loi puisse être déclaré inconstitutionnel.
- En même temps, je constate que le droit pénal actuel prévoit déjà des peines sévères pour un comportement lié à la traite de personnes, y compris de longues peines minimales obligatoires.
- ~~Dans sa lettre de mandat, le Premier ministre m'a demandé de réviser attentivement les changements apportés au Code criminel au cours de la dernière décennie en vue d'établir s'ils cadrent avec la Charte et nos~~

valeurs. Je prends ce mandat très au sérieux et je continuerai de prendre le temps qu'il faut pour réviser l'ensemble du projet de loi pour veiller à ce que nous n'adoptions pas de dispositions qui pourraient être déclarées inconstitutionnelles par la suite.

- Je peux vous garantir que nous agissons rapidement dans ce très important dossier afin de remédier à un problème réel et important dans notre société; cependant, il nous faut le faire de façon responsable – d'une façon qui reflète nos valeurs et respecte la *Charte*.

• Dans le cadre de ce processus, nous examinerons la possibilité de déposer un nouveau projet de loi pour traiter de cette question très importante.

CONTEXTE :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, déposé par Maria Mourani (Ahuntsic – BQ), vise à modifier le *Code criminel* en vue de renforcer la réponse du système de justice pénale à l'égard de l'infraction de traite de personnes. Le projet de loi a été sanctionné le 18 juin 2015, mais n'est pas encore entré en vigueur. Un certain nombre de mesures techniques devraient être prises avant que le projet de loi puisse entrer en vigueur.

Le projet de loi C-452 vise à modifier le *Code criminel* afin :

- d'exiger que la peine infligée aux délinquants déclarés coupables d'infractions de traite de personnes soit purgée consécutivement à toute autre peine sanctionnant une autre infraction basée sur les mêmes faits;
- d'ajouter une présomption portant qu'un accusé exploite une victime de traite de personnes s'il est établi qu'il vit ou se trouve habituellement en compagnie de cette personne;
- d'apporter une modification technique à la version française de l'article 279.04 (définition de l'exploitation) en vue de corriger une divergence entre les versions française et anglaise; et
- de modifier la disposition portant inversion du fardeau de preuve en ce qui a trait à la confiscation des produits de la criminalité obtenus en rapport avec certaines infractions d'organisation criminelle et relatives aux drogues afin que cette disposition vise les infractions de traite de personnes.

Les infractions de traite de personnes, l'article 279.01 (l'infraction principale de traite de personnes), l'article 279.02 (bénéficiaire d'un avantage matériel provenant de la traite de personnes) et l'article 279.03 (rétention ou destruction de documents en vue de faciliter la traite de personnes) ont été adoptées initialement en 2005 et sont passibles de lourdes peines pouvant aller jusqu'à l'emprisonnement à perpétuité, y compris de peines minimales obligatoires (PMO). Ces dispositions ont été modifiées à trois reprises depuis leur adoption en 2005, deux fois par des projets de loi d'initiative parlementaire :

- Projet de loi d'initiative parlementaire C-268, *Loi modifiant le Code criminel (peine minimale pour les infractions de traite de personnes âgées de moins de dix-huit ans)*, parrainé par Joy Smith (Kildonan-St. Paul) et entré en vigueur le 29 juin 2010, a créé l'infraction de traite d'enfants (article 279.011). Cette infraction est identique à l'infraction principale de traite de personnes (article 279.01), à la différence qu'elle prévoit des PMO plus élevées (de six ans lorsque l'infraction comporte des voies de fait graves, une agression sexuelle grave, un enlèvement ou la mort d'une personne, et de cinq ans dans tous les autres cas);

- Le projet de loi d'initiative parlementaire C-310, *Loi modifiant le Code criminel (traite des personnes)*, également parrainé par Joy Smith, entré en vigueur le 28 juin 2012, a conféré aux tribunaux le pouvoir d'exercer une compétence extraterritoriale afin que des citoyens canadiens et des résidents permanents, qui commettent des infractions à l'étranger, puissent être poursuivis au Canada, et ce projet de loi a créé une disposition d'interprétation prévoyant les types de preuve dont le tribunal peut tenir compte pour déterminer si une personne en exploite une autre aux fins des infractions de traite de personnes;
- Le projet de loi C-36, *Loi sur la protection des collectivités et des personnes victimes d'exploitation*, qui a permis de remanier les dispositions relatives à la prostitution, prévues au *Code criminel*, en réponse à la décision *Bedford* que la Cour suprême du Canada a rendue en 2013, a apporté des modifications visant à assurer une uniformité entre les nouvelles infractions relatives à la prostitution et les infractions de traite de personnes, et établi des PMO pour les infractions prévues à l'article 279.01 (de cinq ans, lorsque l'infraction comporte des voies de fait graves, une agression sexuelle grave, un enlèvement ou la mort d'une personne, et de quatre ans dans les autres cas) et aux articles 279.02 et 279.03 (respectivement de deux ans et de un an), lorsque la victime a moins de dix-huit ans.

La traite de personnes a trait au recrutement, au transport et à l'hébergement de personnes à des fins d'exploitation sexuelle ou de travaux forcés. La majorité des dossiers de traite de personnes au Canada visent des femmes canadiennes exploitées dans l'industrie du sexe.

Le Plan d'action national de lutte contre la traite de personnes, mis sur pied le 6 juin 2012 et dirigé par Sécurité publique Canada, consolide les efforts du gouvernement fédéral en matière de lutte contre la traite de personnes et vise quatre domaines prioritaires : la prévention de la traite de personnes; la protection des victimes; la poursuite des contrevenants et le travail en partenariat avec d'autres intervenants, tant à l'échelle nationale qu'internationale. Les initiatives mises de l'avant en vertu de ce plan comprennent une collaboration fédérale, provinciale et territoriale ayant permis d'élaborer et de diffuser un manuel opérationnel à l'intention des policiers et des procureurs portant sur la traite de personnes; le *Guide sur la traite des personnes à l'usage des praticiens de la justice pénale* est désormais disponible sur le site Web de Justice Canada. Ce guide s'adresse aux praticiens de la justice pénale qui mènent des enquêtes et qui intentent des poursuites dans les dossiers de traite de personnes.

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Note pour la période de questions

Projet de loi C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*

SUJET :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, a reçu la sanction royale le 18 juin 2015, mais il n'est pas encore entré en vigueur.

RÉPONSE SUGGÉRÉE :

- Notre gouvernement est au courant de la disparition de jeunes femmes au Québec et suit de près la situation.
- Ces jeunes femmes et leurs familles sont dans nos pensées et nos prières. La disparition d'un enfant est une tragédie, tout particulièrement dans des circonstances qui portent à croire qu'il y a pu y avoir exploitation; tout le pays partage le soulagement des parents dont les filles ont été retrouvées saines et sauvées au cours des dernières semaines.
- Notre gouvernement prend très au sérieux la traite des personnes et l'exploitation des femmes et des jeunes filles. Nous sommes déterminés à renforcer nos efforts pour lutter contre ce problème afin que certains des membres les plus vulnérables de la société soient mieux protégés. Et c'est pourquoi nous nous sommes engagés à procéder à une enquête sur les femmes et les filles autochtones disparues et assassinées.
- Nous sommes déterminés à travailler en collaboration avec les provinces et les territoires, les collectivités autochtones, les forces de l'ordre et les organisations communautaires pour lutter contre l'exploitation et offrir un appui aux victimes et aux victimes potentielles.

Si une question est posée sur le projet de loi C-452 :

- Nous sommes déterminés à atteindre les objectifs importants du projet de loi C-452 rapidement et de façon responsable. Par conséquent, nous examinons de façon urgente si les réformes prévues dans le projet de loi C-452 peuvent être mises en œuvre et, dans l'affirmative, comment le faire. Bien que nous appuyions le principe du projet de loi C-452, nous craignons qu'une partie du projet de loi puisse être incompatible avec la

Charte canadienne des droits et libertés.

- Dans le cadre de notre examen des dispositions sur la détermination de la peine prévues dans le projet de loi C-452, nous avons conclu qu'il existe un risque réel que l'exigence imposée aux juges d'infliger des peines consécutives, conjuguée à l'infliction de peines minimales obligatoires, serait contraire à la *Charte*. Ces deux dispositions, appliquées conjointement, pourraient donner lieu au prononcé de peines qui seraient exagérément disproportionnées par rapport à l'inconduite du délinquant et à l'approche du système de justice à l'égard d'autres infractions. Une peine exagérément disproportionnée est généralement considérée comme portant atteinte au droit de chacun à la protection contre toute peine cruelle et inusitée, aux termes de l'article 12 de la *Charte*. En d'autres mots, il existe un risque très réel que le projet de loi puisse être déclaré inconstitutionnel.
- Parallèlement, je constate que le droit pénal actuel prévoit déjà des peines sévères pour un comportement lié à la traite de personnes, y compris de longues peines minimales obligatoires.
- Je peux vous garantir que nous agissons rapidement dans ce très important dossier afin de remédier à un problème réel et important dans notre société; cependant, il nous faut le faire de façon responsable – d'une façon qui reflète nos valeurs et respecte la *Charte*.

CONTEXTE :

Le projet de loi d'initiative parlementaire C-452, *Loi modifiant le Code criminel (exploitation et traite de personnes)*, déposé par Maria Mourani (Ahuntsic – BQ), vise à modifier le *Code criminel* en vue de renforcer la réponse du système de justice pénale à l'égard de l'infraction de traite de personnes. Le projet de loi a été sanctionné le 18 juin 2015, mais n'est pas encore entré en vigueur. Un certain nombre de mesures techniques devraient être prises avant que le projet de loi puisse entrer en vigueur.

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- d'ajouter une présomption portant qu'un accusé exploite une victime de traite de personnes s'il est établi qu'il vit ou se trouve habituellement en compagnie de cette personne;
- d'apporter une modification technique à la version française de l'article 279.04 (définition de l'exploitation) en vue de corriger une divergence entre les versions française et anglaise; et
- de modifier la disposition portant inversion du fardeau de preuve en ce qui a trait à la confiscation des produits de la criminalité obtenus en rapport avec certaines infractions d'organisation criminelle et relatives aux drogues afin que cette disposition vise les infractions de traite de personnes.

Les infractions de traite de personnes, l'article 279.01 (l'infraction principale de traite de personnes), l'article 279.02 (bénéficiaire d'un avantage matériel provenant de la traite de personnes) et l'article 279.03 (rétention ou destruction de documents en vue de faciliter la traite de personnes) ont été adoptées initialement en 2005 et sont passibles de lourdes peines pouvant aller jusqu'à l'emprisonnement à perpétuité, y compris de peines minimales obligatoires (PMO). Ces dispositions ont été modifiées à trois reprises depuis leur adoption en 2005, deux fois par des projets de loi d'initiative parlementaire :

- Projet de loi d'initiative parlementaire C-268, *Loi modifiant le Code criminel (peine minimale pour les infractions de traite de personnes âgées de moins de dix-huit ans)*, parrainé par Joy Smith (Kildonan-St. Paul) et entré en vigueur le 29 juin 2010, a créé l'infraction de traite d'enfants (article 279.011). Cette infraction est identique à l'infraction principale de traite de personnes (article 279.01), à la différence qu'elle prévoit des PMO plus élevées (de six ans lorsque l'infraction comporte des voies de fait graves, une agression sexuelle grave, un enlèvement ou la mort d'une personne, et de cinq ans dans tous les autres cas);
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La traite de personnes a trait au recrutement, au transport et à l'hébergement de personnes à des fins d'exploitation sexuelle ou de travaux forcés. La majorité des dossiers de traite de personnes au Canada visent des femmes canadiennes exploitées dans l'industrie du sexe.

Le Plan d'action national de lutte contre la traite de personnes, mis sur pied le 6 juin 2012 et dirigé par Sécurité publique Canada, consolide les efforts du gouvernement fédéral en matière de lutte contre la traite de personnes et vise quatre domaines prioritaires : la prévention de la traite de personnes; la protection des victimes; la poursuite des contrevenants et le travail en partenariat avec d'autres intervenants, tant à l'échelle nationale qu'internationale. Les initiatives mises de l'avant en vertu de ce plan comprennent une collaboration fédérale, provinciale et territoriale ayant permis d'élaborer et de diffuser un manuel opérationnel à l'intention des policiers et des procureurs portant sur la traite de personnes; le *Guide sur la traite des personnes à l'usage des praticiens de la justice pénale* est désormais disponible sur le site Web de Justice Canada. Ce guide s'adresse aux praticiens de la justice pénale qui mènent des enquêtes et qui intentent des poursuites dans les dossiers de traite de personnes.

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Question Period Note

**BILL C-452, AN ACT TO AMEND THE CRIMINAL CODE
(EXPLOITATION AND TRAFFICKING IN PERSONS)**

ISSUE:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)* received Royal Assent on June 18, 2015, but has yet to be proclaimed into force.

PROPOSED RESPONSE:

If asked about the Laval, Quebec situation:

- Our government is aware and closely monitoring the situation in Quebec where young women have gone missing.
- Our thoughts and prayers are with the young women and their families. It is a tragedy when a child disappears, particularly in circumstances that suggest the possibility of exploitation, and the whole country shares the relief of parents whose daughters have been safely recovered in recent weeks.
- Our government takes human trafficking and the exploitation of women and girls very seriously. We are committed to strengthening our efforts to combat this problem, so that some of society's most vulnerable members will be better protected. And that is why we have committed to the inquiry into missing and murdered Indigenous women and girls.
- We are committed to working with provinces and territories, Indigenous communities, law enforcement, and community organizations to combat exploitation and to support victims and potential victims.

If asked about Bill C-452:

- We are committed to achieving Bill C-452's important objectives quickly and responsibly. Accordingly, we are urgently examining whether and how the reforms in Bill C-452 can be brought into force. While we support the principle of Bill C-452, we have some concerns that a part of the Bill may be inconsistent with the *Canadian Charter of Rights and Freedoms*.

- In the course of our review of the sentencing provisions of Bill C-452, we have determined that there is a real risk that the operation of the consecutive sentence requirement, together with the mandatory minimum sentence, would be off-side the Charter. These two sections, operating together, could result in sentences that would be hugely out of proportion to an offender's misconduct and the justice system's approach to other offences. This disproportionality is generally considered to be in contravention of section 12 of the Charter guarantee against cruel and unusual punishment. In other words, there is a very real risk that the bill could be unconstitutional.
- In the meantime, I note that the existing criminal law already provides significant penalties for human trafficking-related conduct, including lengthy mandatory minimum penalties.
- I can assure you that we will be acting quickly on this very important file to address a real and important issue in our society, but we must do so responsibly – in a way that reflects our values and respects the Charter.

BACKGROUND:

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, introduced by Maria Mourani (Ahuntsic – BQ), amends the *Criminal Code* to strengthen the criminal justice system's response to the crime of human trafficking. The Bill received Royal Assent on June 18, 2015, but has yet to be proclaimed into force. A number of technical steps would have to be undertaken before the Bill can be proclaimed into force.

Bill C-452 amends the *Criminal Code* to:

- Require consecutive sentencing for offenders convicted of human trafficking offences and any other offence arising out of the same event(s);
- Add a presumption that an accused is exploiting a trafficking victim if they are shown to be living with or habitually in the company of that person;
- Make a technical amendment to the French version of section 279.04 (definition of exploitation) to address a discrepancy between the English and French versions; and,
- Modify the provision that imposes a reverse onus for forfeiture of proceeds of crime for certain criminal organization and drug offences to apply to human trafficking offences.

The human trafficking offences, section 279.01 (main human trafficking offence), section 279.02 (receiving a material benefit from human trafficking) and section 279.03 (withholding or destroying documents for the purpose of facilitating human trafficking), were first enacted in 2005 and carry significant penalties of up to life imprisonment, including mandatory minimum penalties (MMPs). These provisions have been amended three times since their enactment in 2005, twice by private members' bills:

- Private Member's Bill C-268, *An Act to amend the Criminal Code (minimum sentence for offences involving trafficking of persons under the age of eighteen years)*, which was sponsored by Joy Smith (Kildonan-St. Paul) and came into force on June 29, 2010, enacted the offence of child trafficking (section 279.011). This offence is identical to the main trafficking offence (section 279.01) with the exception that it imposes higher MMPs (6 years where the offence involves aggravated assault, aggravated sexual assault, kidnapping or death and 5 years in all other cases);
- Private Member's Bill C-310, *An Act to amend the Criminal Code (trafficking in persons)*, which was also sponsored by Joy Smith and came into force on June 28, 2012, authorized the assumption of extra-territorial jurisdiction to enable the Canadian prosecution of Canadian citizens and permanent residents who commit human trafficking abroad and created an interpretive provision setting out the types of evidence that a court may take into consideration when determining whether a person has exploited another person for the purposes of the human trafficking offences;
- Bill C-36, the *Protection of Communities and Exploited Persons Act*, which overhauled Canada's *Criminal Code* prostitution offences in response to the Supreme Court of Canada's 2013 *Bedford* decision, included reforms that ensured consistency between the new prostitution offences and the human trafficking offences and imposed MMPs on section 279.01 (5 years where the offence involves aggravated assault, aggravated sexual assault, kidnapping or death and 4 years in all other cases), as well as on sections 279.02 and 279.03 (two years and one year respectively), where the victim is a person under 18 years.

Human trafficking involves the recruitment, transportation and harbouring of persons for the purpose of exploitation, typically sexual exploitation or forced labour. Most human trafficking cases in Canada involve Canadian females exploited in the sex trade.

The Federal National Action Plan on Trafficking in Persons, launched on June 6, 2012 and led by Public Safety and Emergency Preparedness Canada, consolidates federal government efforts to combat human trafficking and focuses on four core areas: the prevention of human trafficking; the protection of victims; the prosecution of offenders; and, working in partnership with others both domestically and internationally. Initiatives include federal, provincial and territorial collaboration to develop and disseminate an operational handbook for police and prosecutors in relation to human trafficking cases, the *Handbook for Criminal Justice Practitioners on Trafficking in Persons*, which is now available online on Justice Canada's website. The purpose of the Handbook is to provide criminal justice practitioners with guidance in the investigation and prosecution of human trafficking cases.

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